



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Saturday, 12th March, 1949

OFFICIAL REPORT

CONTENTS

	Page
Motion <i>re</i> : Aims and Objects of the Constitution of Pakistan—	65—101
Adopted 101—102
Motion <i>re</i> : Appointment of The Basic Principles Committee—Adopted	

Published by the Manager of Publications, Government of Pakistan, Karachi
Printed by the Asstt. Manager, Governor-General's Press, Pakistan, Karachi

1949

Price : 5 annas

CONSTITUENT ASSEMBLY OF PAKISTAN

Saturday, the 12th March, 1949

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Eleven of the Clock. Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION *RE* : AIMS AND OBJECTS—*concl'd.*

The Honourable Sir Muhammad Zafrulla Khan (West Punjab : Muslim) : Sir, the majority of those Honourable Members who have offered criticism of the Resolution, both in respect of what it contains and in respect of what it omits, have been influenced largely by fear—fear of the unfamiliar. They think it is a strange and somewhat retrogressive tendency for a people to wish to base the constitution of their country upon principles derived from their religion, though making ample provision therein for the free development of the cultures and ideals of those who do not see eye to eye with them.

It has been said that the spheres of religion and politics are distinct and apart, and that we should take care not to suffer them to overlap each other. We are told that religion falls within the domain of faith, while politics are the concern of reason, as if, one's faith might include matters that do violence to one's reason ! Sir, that is not the basis on which we have pledged and owe allegiance to Islam. Open the Holy Quran at any page and you will not have to read far before you come upon some appeal, some exhortation, some reminder, to pause, to consider, to reflect, to study, to ponder, to reason, to deduce. One of the fundamental bases underlying my cheerful, eager and joyous acceptance of Islam is that not only does it not, in any of its aspects, do violence to my reason, but that it more than richly satisfies my intellectual earnings and makes ample provision for the continuous stimulation of my intellectual faculties. The more I ponder and reflect over it, the newer the beauties and the fresher the graces that I uncover and the more it compels my admiration. Sir, it is characteristic of the Quran that it not merely teaches and guides, but also instructs the understanding and satisfies and stimulates the intellect. The main functions of the Holy Prophet are described in the Quran as follows :—

*" Yatlu alaihim aayatehi wa yuzakkihim wa yu-allehumul kitaba wal hikmah " **

that is to say :

*" Yatlu alaihim aayatehi " **

One of the functions of this Prophet is to recite and expound divine signs which create, inspire and, sustain faith in God.

Then

*" Wayuzakkihim " **

i. e., this Prophet purifies the Muslims through his teachings, precepts and example and points out the means for their progress in all spheres.

Again,

*" Wa yu-allehumul kitaba " **

i. e., He expounds and teaches them the Law. And lastly,—I would beg the Honourable Members to note this particularly—

*" wal hikmah " **

i. e., He makes plain the philosophy upon which these teachings and laws are based.

This last is a peculiar and unique characteristic of Islam and of its Holy Prophet.

* The Holy Quran, Surah (Chapter) LXII, Verse 2.

[The Hon'ble Sir Muhammad Zafulla Khan.]

Sir, the conception that religion and politics occupy distinct spheres which should not be permitted to overlap is born of failure to grasp the full significance of religion. What is religion and what is its function? Religion is the way of life that should enable each individual to attain the highest possible development of his spiritual, moral, physical and intellectual faculties. Its function is to establish and maintain the most harmonious relationship between man and his Maker on the one hand and between man and man in all aspects of their relationship on the other. Politics is only one aspect of the relationship between man and man. Those who seek to draw a distinction between the spheres of religion and the sphere of politics as being mutually exclusive, put too narrow a construction upon the functions of religion. To them religion signifies, at its highest, purely individual spiritual communion with the Creator and normally only the performance of certain formal and ceremonial acts of what they call worship. That is not the Islamic conception of religion. One of the first attributes of God mentioned in the opening Chapter of the Holy Quran is :

“ *Rabbul Aalameen* ”.*

i. e., the Being who sustains and nourishes and makes provision for the gradual and stage by stage progress towards perfection in all spheres of all the universes. This attribute alone necessitates that the revelation proceeding from God for the guidance of mankind should contain a comprehensive code of laws and rules of conduct designed to regulate every sphere of human life.

We believe that this universal and perfect guidance is contained in the Holy Quran and was illustrated in its application to the various aspects of human life in the life of the Great Exemplar, the Holy Prophet of Islam (on whom be peace and blessings of God). The way of life of the Holy Prophet illustrating the teachings contained in the Holy Quran is known as the †*Sunna*.

Islam seeks to, and does, make ample provision for the beneficent regulation of all aspects of human conduct. It establishes, as I have said, the most harmonious relationship between man and his Maker on the one hand and man and man on the other. It embraces within its legitimate sphere not only such acts and performances to which the followers of many other religions confine the application of the word ‘worship’, but all aspects of individual, communal, national and international activity. It lays down and prescribes the underlying principles of international relationship, of the laws of war and peace, of state-craft, of commerce, of economic development, of social relationships and the like. According to Islam the regulation of all aspects of one's life in accordance with these principles is continuous worship of God. Every moment of a life so regulated and so spent is an exaltation and glorification of God; and we are all exhorted so to regulate and order our lives individually and collectively. •

I would earnestly appeal to the non-Muslim members of this House to reflect over this aspect of the matter for a moment. What is the obligation resting upon those of us who sincerely believe, as we do, that the fundamental beneficent regulation of all these relationships is prescribed by Islam? If we truly and sincerely believe that, does it not become our first duty to order our lives in the individual and collective spheres in accord with the teachings and requirements of Islam, these teachings and requirements being set out in the Holy Quran and illustrated in the *Sunna*?

It is true that the Resolution does not merely lay down that the constitution of Pakistan shall leave the Muslims free so to order their lives. If that had been all that had been desired, no mention of the matter need have been made in the Resolution. The Resolution does go further and require that the constitution to be framed should be such by virtue of which the Muslims shall be enabled so to order their lives.

* The Holy Quran, Surah (Chapter) I, Verse 2

† Traditions of the Holy Prophet.

Let me illustrate. In the economic sphere Islam lays down regulations designed to secure the maximum and the most beneficent distribution of wealth. For this purpose it prescribes certain things and prohibits certain others. Its system of inheritance and the *zakat** are illustrations of the former; its ban against the lending of money on interest, of the latter. There are others, but these should suffice as illustrations. Nobody has ever objected to the Muslims following their own system of inheritance, though the Muslims themselves have not, one regrets to observe, always, in all respects, adhered to it. Would anybody venture to contend, however, that any violence was being done to the principles of democracy if the Muslims insisted that the constitution of Pakistan should be so framed as to enable them, through proper legislation, to arrange for the levy and collection of *zakat* from Muslims and to make provision for its administration and its application towards purposes prescribed by Islam?

Again, could any legitimate objection be taken to the demand of the Muslims that the constitution should make provision which should enable them, through such action, legislative or otherwise, as may be appropriate and adequate, for laying the foundations of, and fostering a system of credit, based upon co-partnership and profit-sharing, rather than upon the lending of money on interest?

Again, among the social injunctions of Islam, I might cite as an illustration, the prohibition against gambling and the use of intoxicants. I fail to see why it should occasion any uneasiness to non-Muslims if the shape of the constitution should be such as to enable the Muslims, through appropriate measures, to stamp out these two universally acknowledged social evils from Muslim society. Indeed, Sir, I venture to think that so far as measures designed to uproot these and similar other social evils are concerned, our non-Muslim fellow citizens would be just as keen as ourselves to join with us in eradicating them from Pakistan society altogether.

The point to stress in this connection is that while the Resolution requires that under the Pakistan constitution Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam, it lays no such compulsion, burden or obligation upon non-Muslims. In their view the spheres of politics and religion are distinct and apart, and can remain so. The constitution shall make adequate provision for them in the very words of the Resolution: "freely to profess and practise their religion and develop their cultures". Their legitimate interests shall be safeguarded and they shall in common with all the citizens of Pakistan be guaranteed all fundamental human rights, "including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality". They will also, along with other citizens of Pakistan be entitled to enjoy the benefits of a constitution "wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed". What more could any minority or any section of the people of Pakistan desire?

But with regard to this last, some apprehension has been expressed that the qualification "as enunciated by Islam" renders this directive in the Resolution vague and unsubstantial. I wish to point out that this qualification, far from being of a restrictive character, has the effect of charging these expressions with a live meaning and of enlarging their scope.

As was pointed out by my Honourable colleague, the Minister for Communications, there are many systems of Government at present in vogue, each of which claims to be a democracy. There is the British system, which has been developed along the lines of constitutional monarchy and there political power is

* Levy of 2½% of money on amounts beyond prescribed limits, for charitable purposes.

[The Hon'ble Sir Muhammad Zafrulla Khan.]

exercised on the basis of Parliamentary responsibility. That system is held out as the most beneficent form of democracy in the modern world. But it was not till very recently that political power in Britain passed into the hands of the ordinary citizen. Up till 1835, political power in that country was confined to the aristocracy and certain sections of the upper middle classes. Thereafter, it took the greater part of a century for it to percolate down to the common citizen.

Then there is the American system of democracy, where the president as the direct representative of the people exercises supreme executive power and appoints all his Ministers, who in turn are neither members of, nor responsible, in the ordinary parliamentary sense, to the Legislature. Incidentally, it may be remarked that in that country, the democratic spirit is carried so far that the Judges of some of the State Courts are elected and hold office only for a limited period, though eligible for re-election. One result of this system is that if any such Judge should hand down a patently unpopular judgment his chances of re-election are rendered very meagre.

The U. S. S. R. has a system of Government based upon the predominance of a particular political party. It is claimed that that system represents the true essence of democracy.

The Central Kuomintang Government in China and the Communists in that country both claim to follow a democratic system.

The Nazis claimed that their system was the only truly democratic system.

The Scandinavian countries and the countries of Western Europe enjoy systems of parliamentary democracy.

It will thus be seen that democracy may assume many forms and shapes but what is the essence of it? The essence of democracy is that political authority should be exercised through representatives freely chosen by the people. So long as that is secured, democracy is safeguarded. This is provided for clearly in the Resolution which says that under the Pakistan Constitution "the State shall exercise its powers and authority through the chosen representatives of the people".

But it may be asked with what spirit does Islam charge this aspect of democracy? The Quran clearly enunciates that the exercise of the franchise is in the nature of the discharging of a trust and under an express Divine command Muslims are enjoined to exercise the utmost care in the discharge of this trust and to choose their representatives on the sole consideration of fitness for the task for which they have to be chosen. This at once exalts the functioning of representative institutions to the level of sacred and sanctified activities.

The ultimate guardian and safeguard of free political institutions is an independent judiciary. From its very inception Islam set up a judicial system possessing complete independence and perfect integrity. No office in the State was invested with greater dignity and independence than that of the Judge. The impartiality of the judiciary is secured by express commands in the Holy Quran. For instance, God enjoins "When you judge between the people (or alternatively it may be interpreted as 'When you are called upon to exercise authority over the people'), you should judge (or rule) righteously."

"*Wa iza hakamtum bainannase an tahkumu bil adl*"**

and again "let not any feeling of hostility towards a people betray you into committing an injustice towards them; judge righteously, that alone is compatible with piety".

"*Wala yarjemannakum shanano qomin ala allatadeloo eideloo howa agrabo littagwa*".†

The Resolution lays down an express directive that the Constitution shall fully secure the independence of the judiciary.

* The Holy Quran, Surah (Chapter) IV, Verse 58.

† The Holy Quran, Surah (Chapter) V, Verse 8.

I need not dwell upon the Islamic notions of freedom and equality, as through the ages the freedom and equality prevailing in Muslim society have become proverbial. Muslim society is notoriously free from any consciousness or trace of race, caste or colour superiority or division.

On tolerance I might, however, say a word. It is a matter for great sorrow that mainly through mistaken notions of zeal, the Muslims have, during their period of decline, earned for themselves an unenviable reputation for intolerance. But that is not the fault of Islam. Islam has, from the beginning, proclaimed and inculcated the widest tolerance. For instance, so far as freedom of conscience is concerned the Quran says :

“ *La ikraha fiddeene qad tabayyanar rushdo minal ghayye.* ”*

“ *Manshaa falyomin wa man shaa falyakfur.* ”†

“ There shall be no compulsion in matters of faith. ” An alternative rendering can also be “ There *can* be no compulsion in matters of faith ”, inasmuch as faith is a matter of conscience, and conscience cannot be compelled ; it also signifies there *need* be no compulsion in matters of faith.) “ Guidance has been made manifest from error ; let him therefore who wills believe and let him who wills deny. ” There are other in junctions contained in the Quran from which the same conclusion may be drawn, but I shall go on to mention one incident from the life of the Holy Prophet as illustrating the actual practice of tolerance in these matters. A Christian deputation was waiting on the Holy Prophet and had carried on exchange of views with him for some days. One day they intimated that they would have to absent themselves the next day. The Prophet enquired the reason for this and they explained that the following day was their *sabbath* and that they must withdraw some distance from Medina to perform their worship in their own fashion. The Prophet told them that there was no need for them to withdraw from Medina for that purpose. They were welcome to perform their worship in his mosque. I might explain that the Prophet used to carry on all his public activities in the mosque. In that simple structure he received Embassies, he received deputations, he instructed his followers, he led the services and the prayers, and all his public activities were performed there. It is recorded that the following day when the time came, the Christians took out their crosses and images and placing them in front of them in the Prophet’s mosque performed their worship in their own fashion.

The recital of this incident while completely re-assuring our non-Muslim friends might possibly come as a shock to some of the Muslims who unfortunately have gradually drifted into an extremely narrow and bigoted outlook in these matters. But for that very reason it is worth stressing.

If I may be permitted, Sir, humbly to offer a word of counsel to my non-Muslim friends it would be to urge them to insist that the ideals set up by Islam before the Muslims and indeed before mankind in all these spheres should be fully carried into practice. What they and all of us fear is not that any harm could result from the pursuit of those ideals :

“ *Zalikal Kitabo Lareba Feeh* ”

“ There is no harm in the Holy Book ” but what is to be feared is that in place of the ideals set up by Islam, people may fall into the error of substituting tinsel imitations and narrow bigotries. That apprehension would apply particularly to freedom of thought and tolerance and it would behove both this Assembly upon whom the responsibility for the framing of the constitution ultimately rests and the leaders of Muslim opinion generally to see that the ideals set up by Islam in this and all other fields that may properly and legitimately fall within the purview of the constitution, are faithfully and fully adhered and given effect to.

* The Holy Quran, Surah (Chapter) II, Verse 256.

† The Holy Quran, Surah (Chapter) XVIII Verse 29.

[The Hon'ble Sir Muhammad Zafrulla Khan.]

Sir, I have so far made an attempt to convey some notion, however slight and hazy, to our non-Muslim friends of the kind of conception in our minds of the matters with which they are unfamiliar and concerning which they are naturally anxious. They are anxious and fearful, I conceive, because they have not before them anywhere today a working illustration of these ideals which could help them to form an approximately correct estimate of the practical shape which the Pakistan constitution would under this Resolution ultimately assume. Nor has recent Muslim history furnished any such illustration. We are justifiably proud of the glorious achievements in peace and war of many of the Muslim sovereigns, of their personal qualities of piety, simple living and high thought, their patronage of the sciences, learning and art, the noble monuments they have left behind, the high standards of living which in many instances their peoples in different lands were able to attain and maintain through the course of centuries. But we cannot claim that after a certain period in Islamic history, either the principles of statehood or the policies of the state pursued in Muslim lands were in all respects based upon Islamic ideals and were illustrative of them. Indeed, the very institution of hereditary monarchy is not wholly compatible with Islamic ideals. I am not, therefore, disposed to blame our non-Muslim friends if they feel bewildered and apprehensive as to what the references to Islamic ideals and the Holy Quran and the *Sunna* in the Resolution might portend. I have no doubt, however, that the constructive and statesmanlike pronouncement with which the Honourable Mover introduced the Resolution served to allay apprehensions on that score. Since then several speeches made in support of the Resolution, notably those of Maulana Shabbir Ahmad Osmani, Dr. Ishtiaq Husain Qureshi and my Honourable colleague, the Minister for Communications, should have removed any lingering suspicion to which the minds of some of the Honourable Members may still have clung. I have endeavoured to place before them certain concrete illustrations in the hope that they might find therein matter upon which their minds might be able to fasten and which might serve further to re-assure them. Sir, in all this, there is one solid factor of satisfaction, and that is that all these are matters of recorded history easily accessible to which recourse may immediately be had whenever occasion should arise. Whenever, therefore, our non-Muslim friends observe on the part of their Muslim colleagues a tendency to ignore the true spirit of these ideals, they have only to confront them with that spirit to bring them back into the paths of sanity, tolerance and benevolence. What is the alternative? It is *not* a fact that the Resolution is rendered vague and unsubstantial by references to Islamic ideals and the Holy Quran and the *Sunna*. It *is* a fact, on the other hand, that if the precision furnished by those very expressions which some of the critics of the Resolution are seeking to exclude, were lacking, the Resolution would only be a collection of high sounding and glittering phrases, strung together for purposes of show and furnishing but little guidance to those who would be called upon to translate the objectives embodied in the Resolution into concrete proposals.

An apprehension was expressed that the explanations and assurances furnished and given on the Floor of the House may be adequate, but may be disregarded and ignored by the successors of those by whom they are being furnished and given. But this overlooks the procedure that is proposed to be followed. As soon as the Resolution is adopted, the House will be invited to set up a Committee for the purpose of formulating concrete proposals based upon the Resolution, embodying the main principles on which the constitution is to be framed. Those proposals will then come before the House and after the House has adopted those proposals with such modifications as it chooses to make, further steps will be taken to draft the constitution in accordance with those

proposals. It should thus be clear that the explanations furnished and the assurances given during the course of this debate will be reflected in the concrete proposals which the Committee soon to be set up by the House will frame ; such proposals will in turn be translated into the provisions of the constitution itself.

Hitherto I have addressed myself to the substance of the Resolution. I now advert to the Preamble. Whatever differences might have been expected to manifest themselves over the substantive provisions of the Resolution, one had not expected that any difference would emerge over the Preamble and it is therefore a matter of some surprise that exception should have been taken to anything set out in the Preamble. One's surprise has been the greater inasmuch as objection has been taken to the Preamble even by the representatives of Christian denominations. It is difficult to appreciate the exact point of that objection from the Press report that has appeared in the STATESMAN of Friday, March 11th. It is there stated that the Christian minorities of Pakistan cannot accept that the Creator of mankind delegates omnipotent authority to man-made States, whether it be the State of Pakistan or any other State. In view of the fact that the Press report itself draws attention to that portion of the Preamble which clearly sets out that limited authority is delegated to the people, and by them to the States, it is difficult to appreciate the objection that the Preamble implies the delegation of omnipotent authority ; a doctrine which is even more abhorrent to Muslim sentiment than it would be to Christian sentiment. If the objection, however, were to the mere statement that all authority, political or otherwise, exercised by a community, or by an individual, is authority delegated by the Creator, the objection coming from the quarter it does, would be even more surprising. We are told that man has been created in the image of God. Inasmuch as God neither has nor assumes physical or material shape or form, obviously the image of God must have only a metaphorical significance, namely, that man has been endowed with a reflection of divine attributes, and that the purpose of his terrestrial existence is to develop those attributes. It is for that purpose that man has been granted dominion, again in a limited sense, over the physical universe. In other words, the physical universe has been created to subserve the purpose of man's spiritual, moral and physical evolution. It follows, therefore, that whatever authority man has been invested with in respect of the universe, is delegated authority to be used only for the purpose and to the end stated.

To the opening statement in the Preamble that sovereignty over the entire Universe belongs to God Almighty alone, I do not conceive that any person believing in God could take exception. The rest of the Preamble, though based on the assumption that all authority, political or otherwise, which man has been invested with, has been delegated by the Supreme Ruler and must be exercised within the limits set by Him, is designed to emphasise that political authority vested in a people and by them entrusted to the State is a sacred trust and must be exercised and administered in that spirit. Some controversy has been raised as to whether that authority rests primarily in the people or in the State. From the Islamic point of view there can be no doubt that such authority or sovereignty as Islam concedes to mankind, vests in the people and in the Quran it is the people who are commanded to entrust that authority into the hands of those who are in every respect fit to exercise it. The State is the servant of the people and is like any other instrument in any other sphere brought into being for the purpose of serving the people. There need, therefore, be no apprehension that in some subtle manner this portion of the Preamble enshrines the Fascist or Nazi conception of a State. The Preamble is a solemn confession and declaration that God Almighty is the Supreme

[The Hon'ble Sir Muhammad Zafrulla Khan.]

Ruler of the Universe, and that such authority as man is permitted to exercise is delegated authority and must be exercised in the solemn spirit of discharging a sacred trust. It is a constant reminder both to the people and to those who are appointed or elected to representative or official positions that they have all to account to God for the manner in which they discharge their respective trusts.

What is the bane which has so often rendered the working of democracy a snare and a delusion? It is that the franchise is so lightly regarded that an election, instead of exhibiting the solemnity of the performance of a high and sacred trust, often degenerates into manifestations of the lowest passions and a cockpit of group faction and party contentions. Islam condemns all that as a breach of a sacred trust. A democratic system of Government cannot be expected to yield and will not yield any beneficence till the nature and significance of the right of franchise is fully grasped and the franchise is exercised in every instance as if man was rendering an account in the Divine presence of something precious that has been entrusted to his custody. This is a doctrine that Islam inculcated almost fourteen centuries ago, and which is sought to be expressed in the words of the Preamble. Till this doctrine is fully grasped and becomes a permanent feature of the mental equipment of every voter, democracy will never have a fair chance.

Sir, these are some of the ideals to which the Resolution seeks to direct the attention of those upon whom will rest the responsibility of framing the proposals upon the basis of which the constitution will be drafted. As I have already stated, it is a matter of great sorrow that we have not today in any part of the world a living and working illustration of a constitution based on these principles. But it is a matter of great joy and satisfaction that these principles are there and are available to any society, community or State that may desire to make use of them. As has often been remarked during the course of this Debate, the world today tends to align itself behind two ideologies. Here we have another ideology based upon the brotherhood of man and beneficent co-operation between different sections of mankind. It seeks to curb and check all doctrines and practices which have a tendency towards creating and emphasising differences between sections of mankind, whether those differences are based on caste or on family or hereditary privilege or on wealth or on what are described as vested interests. It seeks to do all that by the minimum of legal enactment and compulsory enforcement and by the maximum of encouragement of voluntary effort, service and sacrifice. Its sole emphasis is on righteous conduct and conduct becomes righteous not by categories into which it might be classified or by labels that might be attached to it, but by being performed within the limits set for it and with a pure and high motive. These are inescapable essentials for right conduct. The law can but prescribe the limits. It is only the eagerness to win the pleasure of God that can purify the motive. The value of each action, however, depends upon the motive. If we succeed in framing the kind of constitution that the Resolution under discussion envisages, we shall have performed only a portion, though an essential portion, of our task. The frame will have been set up, it will still be our duty to clothe that frame with living flesh and muscle, to charge it with healthy streams of blood, so as to enable it to function as a living, healthy and health-giving organism. It is my prayer that we may be so guided by Divine grace that we may be enabled to discharge our task justly and adequately.

Mr. Nazir Ahmad Khan (West Punjab: Muslim): Mr. President, Sir, I rise to support the Resolution so ably and eloquently moved by the Honourable the Prime Minister. This Resolution is merely in the nature of a Preamble. It is, so to say, the terms of reference to this Assembly under

which they have to frame their future constitution. It is neither the official legislation nor even the constitution itself and, therefore, some of the objections and misgivings that have been expressed on the Floor of this Honourable House regarding the implications of this Resolution are premature, if not entirely incorrect.

Sir, the Honourable the Mover has given certain clarifications of this Resolution, but obviously at this stage, no final, no exhaustive and no conclusive elucidation or clarification can be expected. It is, I think, due to this factor and due to the fact that some of our friends of the Opposition—not only of the Opposition, some of our Muslim friends, too—have got certain suspicions as to what this Resolution exactly means. They would, therefore, like to have a further clarification of this Resolution. I may say, at the present stage, that the misgivings and the doubts and the objections of my friends of the Opposition are mainly due to suspicion, and as my Honourable friend, Sir Muhammad Zafrulla, has said just now, on fear. They do not know what is laid down in the Quran. Perhaps it is the first time in their life that they have been asked to study the Quran from that point of view (as to what is contained in the Quran for the framing of our state-craft) and they also do not know—and I do not blame them for it—as to what is meant by *Sunna*. Therefore, Sir, I would say that their suspicions and doubts are natural. But as we proceed and explain the implications of this Resolution I am sure that all the doubts and all the misgivings in the minds of our friends, the representatives of the minorities, shall, *Insha Allah*, be removed.

Now, Sir, during the course of the debate certain abstruse and academic issues were discussed and it was said by some of the Honourable Members that religion should be kept apart from politics and that in any case religion should not be allowed to interfere with the course of politics. Well, Sir, these are, as I said, academic questions and more than one opinion can be held about these considerations. May I, Sir, while discussing this aspect of the issue, refer to what a very great and famous scholar of the East said about the problem? I refer, Sir, to Dr. Muhammad Iqbal what he said in his “SIX LECTURES ON RELIGIOUS THOUGHT IN ISLAM”. He says :

“Humanity needs three things today ; a spiritual interpretation of the universe ; a spiritual emancipation of the individual and basic principles of a universal import directing the evolution of human society on a spiritual basis. Modern Europe has no doubt, built up idealistic systems on these lines but experience shows that truth revealed through pure reason is incapable of bringing that fire of living conviction which personal revelation alone can bring. This is the reason why pure thought has so little influenced man, while religion has always elevated individuals and transformed whole society. The idealism of Europe never became a living factor in her life and the result is a perverted ego centring itself through intolerant democracy whose sole function is to exploit the poor in the interest of the rich. Believe me, Europe today is the greatest hinderance in the way of man's ethical advancement.”

So far, Sir, about the issue whether religion should be allowed to interfere with reason or with politics. Then, Sir, during the course of the debate an Honourable friend from the Opposition remarked that some of the principles of Islam are so out-moded that it will be practically impossible to apply them to the present conditions of our economic life and he incidentally mentioned the question of interest. “How can you run your banks without interest”, he said. He quoted some authority from amongst the Treasury Benches which was meant to suggest that it would be impossible to apply the old system of taxation to modern needs. Now, Sir, without claiming to be an economic expert, may I be permitted to tell this Honourable House that there is a very strong opinion amongst the highest ranking economists of the modern world that interest should gradually be reduced so that it may reach a point when it may stand at zero. The policy of cheap money, the policy of having a

[Mr. Nazir Ahmed Khan.]

reduced rate of interest, is appearing every where. May I tell Honourable friends of the Opposition that when they study the bank rates of the world, they will find that this shows that the rate of interest is now decreasing gradually and consistently. If you remember, Sir, during the first world war the old Government of India issued war bonds and the rate of interest of those bonds was, if I mistake not, from five per cent. to six per cent., Look at the rate of interest on the war bonds raised by the Government of India during the last war. It was, I think, Sir, from two per cent. to three per cent. and I understand that in America it was from one per cent. to two per cent. Therefore, you now see a definite evidence of a theory being put in practice that interest is being reduced gradually. And, lastly on this point, Sir, I may be permitted to refer to one of the latest pronouncements on this subject—a book by Mr. Harrod, who is an authority on Economics. In his book, Mr. Harrod considers the possibility that before many decades have elapsed interest may no longer be required as an integral part of our economy, and urges that if this particular feature of capitalism were removed there might be general agreement to maintain a system in which free enterprise and the profit motive played leading parts. Further elucidating his point Mr. Harrod said :

“ Is not this interest-free society, if we can envisage it not too far beyond the horizon an alternative to collectivism? Would not the age-long resentment of those who have been down-trodden and suffered be assuaged? Would they not then be prepared to taken different view of free enterprise and its inequality of earnings? Surely it is not the power of the man who does fine work and gets a large measure of profit from it that is resented, so much as the power that he and his descendants to have consolidate themselves on the basis of a large unearned income. We must assume, of course, that there are legal safeguards against his making the profit by exploitation. Could we not thus revive the popular esteem of free enterprise, of profit, yes, of the profit motive itself? Surely it is not the profit itself, earned by service, by assiduity, by imagination, by courage, but the continued interest accruing from the accumulation that makes the profit-taker eventually appear parasitical.”

Sir, even the most modern theory in banking does visualise States where it might be possible to have no interest in their bank dealings. Therefore, Sir, I will put it to my Honourable friends of the Opposition that merely because they have not yet been able to study Islam so fully, let them not hold any final views about the subject. I am positive in my mind that when they study the economic structure of a Muslim society as laid down in the Quran and their *Sunna*, they will find that it is practicable even according to the modern notions of Economics.

Then, Sir, some of my Honourable friends of the Opposition referred to the constitutions of some other Muslim countries including Egypt, Iran, Iraq and Turkey, and Articles from these constitutions were read out by Mr. K. K. Datta, who is unfortunately not present here today, I think, with the object of showing them as models or perhaps for explaining the constitutions of other Islamic States, a particular paragraph was quoted. But may I submit that if Mr. Datta had also read the other paragraphs and Articles of those constitutions, he would have noticed one thing at least which is of a very great importance. That particular item is that in all these constitutions, the student will find that Islam, not only Islam, but a particular sect of Islam has been ordained to be the State-religion of each country. I refer first to the constitution of Egypt and therein you will be pleased to note that Article 149 lays down that Islam is the State-religion. Next we turn to the constitution of Afghanistan about which Mr. Datta said that Afghanistan does not possess any constitution. But if he reads it, he will find that it lays down that it was passed by the Afghanistan Parliament and was ratified by the King on 31st October, 1931, that it is to say, this document deals with the constitution of Afghanistan and is as valuable a document as any other constitution of the world. That Article says :

“ The faith of Afghanistan is the sacred faith of Islam and the official religion of the population in general is *Hanafi* religion.”

Next we turn to the constitution of Iran. On page *155, Article 1, it is said that the " official religion of Iran is Islam according to the orthodox doctrine of *Asna-i-Ashria* ". Now, we turn to the constitution of Iraq. Article 13 on page *173 lays down that " Islam is the official religion of the State ". I have not before me the constitution of Syria, but I am told that according to that constitution, the President of Syrian Republic must always be a Muslim. Now, Sir, after going through this aspect of the constitutions of other Muslim countries, may I submit to my Honourable friends opposite that we have tried to adopt the best that is in the constitutions of all the countries. We have tried to keep away from the course which might lend itself to obvious objections. Therefore, if you confront us with certain articles in the constitutions of Islamic States, you run the danger of our confronting you with those provisions to which we have already alluded. You will find that we have advisedly, and after going into the question very carefully and deeply, refrained from mentioning anything that might be possibly misconstrued and, therefore, through you, Sir, I will ask my Honourable friends, opposite, to have no suspicion and not to mistrust us. We do not ever intend that the minorities in Pakistan should live under us. We want them to live with us and this assurance, given by every member of the Muslim League Party, should be accepted in the spirit of sincerity in which it is being offered.

Not only my Honourable friends, opposite, but some friends amongst my Muslim brothers themselves, have got certain opinions about this Resolution, which can be said to be based again on suspicion and on lack of knowledge. One such view was expressed by my Honourable friend, Mian Iftikharuddin, who again unfortunately is absent today. He thought that sufficient has not been expressed by this Resolution and, therefore, although he complimented the Honourable Prime Minister on moving it, he took objection to its terms. I submit again that the views expressed by Mian Iftikharuddin and the people of his thought, are premature and are based, if I may say so, on ignorance. As has been explained by the Honourable Sir Muhammad Zafrulla Khan this is a practical and revolutionary step that we are taking. People who have studied this Resolution have certain suspicions in their minds because they do not see any State in the world of today which according to them conforms to the principles enunciated in the present Resolution and as they have not made a correct and deep study of the Holy Quran and *Sunna*, therefore, they think that instead of going forward according to them, the implementation of this Resolution would take the Islamic society back. This is a common objection that we hear to this Resolution. I would submit that from our faith in the Quran, there is only one deduction that can be made, " We, the Muslims, believe that it is our faith, it is our firm conviction that the Quran is a revealed Book ". It is meant for all days to come, for all countries and for all men and, therefore, its message is eternal, it is everlasting." Do you mean to suggest that the Quran has become out of date ? Is there any Muslim alive today who can, with conviction, preach this or claim it or own it. I dare say you will not find a single Muslim, man or woman, who has no faith in the eternal message revealed to the Holy Prophet through the Holy Quran. If the Quran lays down the principles of eternal and everlasting application to all the countries of the world, and if it is not really a code of worship, but is also a complete code of life, then how do you reconcile the two views ? How can you say, on the one hand, that we are Mussalmans and we believe in the Quran and yet, being Mussalmans, we are not prepared to act upon the Quran ? What, then, is the value of the Holy Book as a guide in the life of individual Muslims and in the life of the Muslim nation ? Some of us have got the belief that when a Muslim is going to die, certain words from the Quran, a certain *Ayat* or *Sura Yasin*, is read by the side of the dying man, so that his journey to the next world may be a comfortable one. Therefore, when

* Select Constitutions of the World, Volume I—*Ed. of Deb.*

[Mr. Nazir Ahmad Khan.]

good Muslims lay down their heads to die, it is a custom that *Sura Yasin* is repeated. But let me tell you, Sir, that the Quran does not merely teach you to die a Muslim's death ; it teaches you to live the life of a Muslim. Therefore, it is a misconception of those of our friends whose views were represented by the Honourable Mian Iftikharuddin. Do they merely mean to assert that the Quran is a book which can be cited only at the last moment or do they believe that it contains the general and universal principles. If it contains the general and universal principles of application, then I would submit to these friends of mine that there is a complete code of life in the Quran ; otherwise what Iqbal has said, might, after all, be true. There is a discussion about the *Mulla*. The *Mulla* will come in and say that you are giving over the authority of the State to the priesthood, that you are evolving a State that is theocratic in conception, that the *Mulla* is a man who is hidebound, that the *Mulla* is not progressive and therefore those of you who have traversed so far are going back in one jump and putting yourself in the lap of the *Mulla*. I submit that these are considerations which are absolutely foreign to the present Resolution. As I was saying, Iqbal has said in one of his quatrains :

“*Ba bande soofio mulla asiri ;
Hayat az hikmat-e Quran na-giri ;
Ze Aayaatash tura kare juz ein neest,
Ke az Yaseene oo aasan ba-meeri.*”

(You are entangled in the doctrines of Sufis and Mullas ;
That you never seek life in the wisdom of the Quran.
You have no other use of that Holy Quran,
Except to have *Yasin* recited at your bedside for a peaceful death.)

Is that, Sir, to what we have reduced our Book ? I dare say, ‘ no ’ an emphatic ‘ no ’. We are going to translate the principles enunciated in the Holy Book and the *Sunna* into practice and with all humility I can claim that *Insha Allah* we will evolve a State in which all the members of the Opposition and those, represented by Mian Iftikharuddin will find a comfortable place.

It was said, I think, by my Honourable Friend, Mr. Kamini Kumar Datta that there is a parliamentary democracy and economic democracy and he posed the question : Is Islam going to be a challenge to both these democracies ? I submit that it is both a challenge and a compromise. It is a challenge in the sense that Islam does not follow any *ism* ; does not accept any *ism* ; is not wedded to any *ism*. It is a compromise because Islam is the *via media*, the middle course, and it avoids a clash between ideologies, so that a middle course may be found in which the common man may live a happy, a prosperous and a contented life.

Now, Sir, so much about the principles enunciated in this Resolution. It is quite true that unless they are implemented, they mean nothing, and the way they are implemented is the most important consideration. Therefore, in order to offer certain constructive suggestions with regard to the implementation of the principles enunciated in the Resolution, may I submit that we shall soon have to establish some sort of a Research Institute, so that it might function to elucidate what are the principles of democracy, justice and economy as laid down in the Holy Quran and the *Sunna*. So far as I am concerned—and I do not claim to have a knowledge of all these things, there is still a good deal to be done about the codification of Islamic laws. The principles have, as I have already stated, been enunciated generally and widely, but we have to deduce from those principles such other principles as apply to our modern needs. And this brings us to the rather debatable question of *Ijtihad*. There is a class of thought which thinks that the power of thinking about our future and about our State and about ourselves came to an end several centuries ago when the

great Muslim *Fuqhas* made *Ijtihad* and deduced certain principles and enunciated them. With great respect to that view and with great respect to those *Ulemas* who hold that view, I submit that I beg to differ from them. My reasons for saying so are again the same as I have just mentioned, namely, that if it is our belief that the Quran is a *hidayat* for all time, then it cannot possibly be argued that after the third or the fourth century the right of thinking about ourselves has been taken away by the Quran or by God Himself. Therefore, when we have a Research Institute, or an Academy, or a Laboratory of that nature, there we shall be able to study the Quran and see what are its broad principles, deduce further principles from those broadly enunciated principles and apply them to the modern economic needs. But let not anybody have a fear about the kind of economy we shall evolve. May I remind my Honourable friends that as far back as the reign of Hazrat Umar, the second Caliph, there was a scheme of social insurance, whereby every disabled or sick person, every child, every infirm man and woman, were the liability of the State. This is just a simple illustration which I offer to those of my Honourable friends who are rather afraid of applying the Quran and the *Sunna* to our modern economic system and our modern life. Sir, the principles are still there and all that you find so progressive in the Western democracies is actually laid down as a clear injunction in the Quran and the *Sunna*.

Now, Sir, you will find people clamouring on the floors of Houses like this that we should have adult suffrage and we should have universal education. All this sounds very progressive and one feels when one hears these things that one is in a very good company, the company of the West. May I again remind my Honourable friends who have not studied Islam so thoroughly that it is one of the injunctions of the Holy Prophet that 'everybody must acquire knowledge'? It is a *farz*, as great a *farz* as the paying of the *zakat*. Why have we forgotten these injunctions? We are going to revive the importance and the implication of these injunctions.

Now, Sir, there is adult franchise. They say it is a very progressive step, but have not you got the rudiments of adult franchise even in the early days of Islam? What I mean to say is that the principles are there. If they have been neglected for centuries and not applied, it does not mean that the principles themselves are wrong intrinsically. All I can say is that we have, due to our misfortune, not been able to apply them in practice. Let me assure my friends of the Opposition that they will find that those principles which deal with the every day life of the man, and which deal with polity, will be really so progressive as to fit in with their own ideas of progress.

Before I conclude, Sir, may I just remind the House that it is not this written Constitution, this Preamble, this Objectives Resolution and not even the laws that shall formally be evolved that are going to change, or revolutionize Pakistan. Pope said, Sir—(he was cynical but I think he was quite correct)—

“ For forms of Constitution of Government

Let Fools contest ;

Whatever is administered best is best.”

It will be the same old adage : the proof of the pudding being in its eating. We shall ultimately have to depend upon the common man and the common woman in Pakistan to apply the laws and the principles laid down in our constitution. The character of the nation is going to ultimately decide our fate. The Constitution is merely on paper. This is one of those external checks that society is always subject to but unless the character of the nation is fully developed no constitution can really help us or really revolutionize the system which is in practice now.

[Mr. Nazir Ahmad Khan.]

With these words, Sir, I whole-heartedly support the Resolution moved by the Honourable the Prime Minister and would in all humility request my Honourable friends of the Opposition to withdraw all their amendments so that, we of this House, may evolve at least the Preamble to our constitution unanimously. (*Applause.*)

***Dr. Omar Hayat Malik** (West Punjab : Muslim): Mr. President, Sir, I feel I am the recipient of a very great honour in having this opportunity to support the Resolution proposed by the Honourable Mr. Liaquat Ali Khan. It would be no exaggeration to say that this Resolution is an outstanding event in world history. It is not only a significant event in the history of Pakistan and in the history of the Islamic world but I would repeat it is a significant and outstanding event in the whole history of political thought in the world. It is for the first time in many long centuries—and certainly for the first time in modern times—that a people has risen as a people to demand and to achieve a State which is to be placed on an ideological basis, not only on an ideological basis but on a particular ideology; the ideology of a revealed religion, the ideology of Islam.

Sir, the modern world has seen many types of States, monarchies and democracies, oligarchies and dictatorships—of persons, classes and so on—but this is the first time that we, here in Pakistan, are striving to set up a State which shall conform to the will of God. There are certain States in the world in the Occident, as well as in the Orient, which affirm in their constitutions that a certain religion, or a certain sect of a certain religion, is their official religion, but they fail to draw the necessary consequences from such affirmations. We, in this country—Pakistan—are going to say here in this Resolution that our State shall be based upon religion and we intend to give practical effect to that affirmation and that resolve. The Resolution itself, in its various clauses, makes it clear that our State shall conform to the entire ideology of Islam. There are no reservations about it; there are no exceptions about it: all the principles of Islam and all the laws of Islam shall be binding on the State. This is expressed in the Resolution and has also been emphasized and supplemented by the speech of the Honourable Mover.

Sir, I shall discuss very briefly as to what type of State we are envisaging. It has been asked whether it will be democracy or a limited democracy. Well, the answer is very plain: it will be a limited democracy. The people will have some power but they will not have all the power. So much must be frankly said that certain things have to be resolved by God and are in His own personal sphere. The remaining sphere has been left open to the people to deal with. The principles of Islam and the laws of Islam as laid down in the Quran are binding on the State. The people or the State cannot change these principles or these laws. The State shall have to enforce these principles and these laws as they stand, but there is a vast field besides these principles and laws in which people will have free play; they will have the whole entire power. So, Sir, the State that we are envisaging will be a democracy of a limited form: it might be called by the name "theo-democracy", that is democracy limited by word of God, but as the word "theo" is not in vogue so we call it by the name of Islamic democracy.

Sir, we are perfectly aware here in Pakistan that the intellectual thought of the present day world is not in favour of ideologies. We are perfectly conscious of the fact that by striving here to construct or to find an ideological State based upon religion we are going against the current of modern thought, against the current of modern history, but we are not discouraged by it. The unbelief—the lack of belief in religion—prevailing at present is not a unique phenomenon in history. In history, periods of unbelief have always been followed by days of belief. This age, which is now dominated by unbelief

* Speech not corrected by the Honourable Member.

and by lack of faith in religion, will yield place as sure as day follows night to another age in which people will come to hold belief. So, therefore, we should not at all be discouraged by the present state of the people when unbelief is at its highest. We must be actuated by the inexorable historical law that all ages of unbelief are always faithful in results. They are always consequential. It is a significant fact that unless a people had a faith and belief in themselves, which fires their imagination they cannot achieve anything. Of course, there are different types of faith. It may be faith in White Man's Burden, faith in imperialism or faith in a person as in Japan. Some sort of faith must exist if a nation is to play a significant part in history. Nations that have no faith of any kind do not live; they only exist. We know that we are doing something against the present prevalence of opposition to faith and we are open to the opprobrium to which we may be subjected by modern peoples that we had the courage in broad day-light of claiming that we shall found a state on Islam, nothing but Islam.

Sir, the Members of the Opposition have called us unprogressive and reactionary. I must congratulate Members of the Opposition for it, for they are not the only people who would say so, there will be many other people in the world who will join them and would call us unprogressive and reactionary. But what is being unprogressive? In what does progress consist? Let us pause for a moment and think over it. Progress, intellectual progress, is the characteristic feature of the modern age with the growth of sciences. This is the main thing of which modern world can boast. I admit that the modern world has, by the help of reason, built up a super-structure of science which is unrivalled in the history of man but in what way Islam prevents us from following science or from the pursuit of science. Islam encourages us to ponder over the mysteries of nature; nay it orders us to do so—to conquer the forces of nature and to use them for the service of man. The only difference perhaps is that in modern age the conquest of nature is being used both for the service as well as for the disservice of man. All the Muslims are bound by our faith to use it only for the service of mankind and not for the disservice of man. So, Sir, Islam leaves the whole field of science perfectly free to us. Not only is it free for us but it is an obligation cast upon us to pursue science. Islam, therefore, as religion in the intellectual sense, must be as progressive as the modern world claims to be. About other things, about social equality and freedom and democracy and the relations of woman and man and so on, so much has been said upon these subjects by various speakers that I will not repeat tenets of Islam. The world knows that we are behind none in granting equality to man. We are behind none in granting freedom to man. We are behind none in regulating the relations of sexes. In theory one may possibly come across certain notions about equality and freedom in the western world—in theory only and on paper—which may claim superiority on us but I do say that in actual practice the freedom and equality and social justice given by Islam is second to none in the world of today. So much about our being progressive.

Similar remarks apply to the allegation of being reactionary. I have however, not been able to understand what reactionary really means. Reactionary means taking action contrary to some other action. It also means action taken against some prevalent notions. We are reactionary because we have the courage to say to the world, which now-a-days does not believe in religion and anything religious, that we do believe in religion. If for saying so we are supposed to be reactionary, then we admit that we are so. But we are in no way retrograde. It is not true to say that we are clinging to something inferior and giving up something which is superior. We believe that Islamic way of life is something superior and we are, therefore, proud of our faith in Islam.

[Mr. Nazir Ahmad Khan.]

Sir, the Members of the Opposition have recommended to us that we should adopt national democracy ; that we should become just national sovereign Godless State. They have given no cogent reasons for that and they have admitted that they do not understand Islam and therefore they could not say what the State, as envisaged by Islam, would mean and they could not judge it. If Islam is progressive our State is bound to be progressive. They said they were not aware of Islamic principles and so they were not in a position to criticise our State or its ideals from any rational point of view. But still they insisted that our State must be of the national, sovereign, modern type. So, I would like to say why we do not want to become a modern, national, sovereign State. I am saying it very briefly. We find in the modern, national, sovereign State that there is no abiding foundation of morality in it. The modern State is supposed to rest on the will of the people. Actually it is not. Everyone knows that the will of the people is only a myth. It is only the few that count. At best it is a democracy. But for argument's sake we concede that modern democracy represents the will of the people. Now the will of the people will be expressed by means of human reason. Sir, I believe that human reason can provide no sure foundation for morality. This is something basic to my conception of the world and of religion. Religion has a great part to play. There is a wide field to roam about, the field of natural science, morals, reason at best can be a help. But by itself it cannot build a strong system of morality. The reason for this is obvious because in the first place, reason is proverbially myopic, in space and time. I am trying to be very brief but I would explain a little. What I mean is, this man is not capable of comprehending the consequences of his action taken in a particular place and a particular time comprehending the consequences of such action in future and other forms of space. Reason is supposed to be time-barred and space-barred. Only God can comprehend Time and Space and He can make laws which can become sure guide for morality. I am not trying to belittle the role of reason. Reason has a part to play but reason must be supplemented with faith if a sure foundation of morality is to be built. This is what is lacking in the modern State. There is no sure foundation for morality. Reason is influenced by selfishness and prejudice. What are the moral laws of modern national States which they now adhere to? None. The law is absolutely one of expediency or of national selfishness and what we see, as a result of it, is, that during the last one century or two, mankind has been reduced to a pitch when one step further will perhaps bring about irreparable disaster. Everyone must know, every one must agree that mankind is now facing a very great crisis. We are standing on the edge of a precipice. Wise men of the West admit that mankind is now diseased and there is something wrong with it. There is something wrong with man. You go to any wise man of West and he will admit that. He will admit that man is on the brink of a precipice ; the disaster is coming. It is inevitable. But if you ask him what is the remedy then he stops short and is bewildered. We Muslims are not. We know and believe that the real disease is Godlessness. Therefore, here in Pakistan we are trying to build a polity, of which the moral foundation will rest upon the Will of God and not upon the will of man.

Sir, there was a time, it is said by Zoologists, when the world was inhabited by reptiles. These reptiles fought with each other, killed each other. In evolutionary process they became bigger and bigger. They put on greater and greater armour of teeth, and of tusks. They began to have wings and then began to fly and ultimately only the biggest survived and the smaller ones were exterminated. Some of the bigger ones survived and they also perished later on, leaving no trace of their existence in the world. Similarly, it is in the affairs of man, particularly the Western nations, the Godless national States have exterminated each other. Some have been killed, while others died in frustration. They were piling up armaments, they began to fly and then came in this current of history. Unless this course is averted, a time will come when they will cease to exist. It is from this angle of vision that they are trying to judge our basic State.

Sir, I will now deal briefly with the amendments. All the points in the amendments have been so ably dealt with by the previous speakers, particularly by the Honourable Sardar Abdur Rab Nishtar. The impression in my mind was one of disappointment. The obvious thing was that the Opposition did not like us to become an Islamic State. They could have said it in so many words, instead of bringing in so many amendments which create confusion and bring about inconsistencies in the Resolution itself, by suggesting that the principles of democracy must be not in accordance with Islam or in accordance with other religions, but according to the Charter of Human Rights as adopted by the United Nations. This is, of course, impossible. You cannot have such inconsistencies brought in the Resolution. I do not want to deal with this.

One or two Members of the Opposition suggested that if we accepted this Resolution, we would be consigning our future generations to the furies of destinies—I have noted down the words. I do not know what he or they possibly meant by it, whether the special reference of furies of destinies was to God. Am I to understand that they meant the Will of God as the fury of destinies ?

Sir, the Members of the Opposition know very well that the Muslim-dominated Pakistan is for a specific purpose. They know it. We said in openly to the whole world that we wanted to make Pakistan an Islamic State, based on Islamic principles, but my friends have put forward these amendments trying to dissuade us from this course. We have achieved Pakistan after heavy sacrifices. We sacrificed forty millions in killed. We have seven millions homeless. After all these sacrifices we got Pakistan with the express purpose of founding a State on Islamic principles. And they are now asking us that we should relinquish our aims ; after having done all that, after having gone through all this struggle and all these sacrifices we should give up our aims and say we did not mean it, we repent for what we said. Will that not make us a laughing stock of the world ? What will the people think of us ?—They wanted Pakistan for some purpose and what they said about Islam was a mere idle pretence. I hope, Sir, the Members of the Opposition will not try to reduce us to this uncomfortable position.

Another thing I wish to suggest for their consideration is that it has been suggested before also in some way or other that they want us to have a national State, with a majority of one nation. Suppose if we were to take them at their word, how will they feel under that differentiation. It is so easy for us to say that henceforth, with a little mental reservation, we are just people. There is no minority or majority. Muslim League is dissolved. There will be a new party called the Pakistan National Progressive Party, of which Hindus also will be members, and then we can set up a Government. First of all, we shall have elections and in that we shall see that only those people who agree with us are elected. We shall have a Government with one or two members of minorities as our Ministers and then we can do anything we like in the name of nationalism and squeeze the minority out of existence. It is a technology which had been practised and is being practised in countries of the world, but we are Muslims. This is not our way of doing it. We do not want to say one thing and mean the other. We do not say we are one nation and then use this pretext to our detriment which will squeeze us out of existence. We say we are Muslims and we want to have an Islamic State. We tell you that you are free to have your own religion, culture and you are free to develop it. We do not wish to impose our laws on you, but give us the freedom to live under our own laws, under our own way of life. What objection have you to this I would like to understand ?

Then a Member, or two, from the Opposition said that by establishing a religious State here we would be estranged from the rest of the world. We should be at a distance from the rest of the world, I say, has any nation of the

[Mr. Nazir Ahmad Khan.]

world any right according to its own principles to object to our founding an Islamic State? The world has tried itself on democracy. The Muslims of Pakistan, who are 85 per cent. of the people, should have freedom to found their State according to their wishes. Is it undemocratic? Well if the nations of the world are democratic, then those who are in a preponderating majority should have the right to determine their own future. Again, is it not their freedom of thought? While other people think of nations, we think this way that we want to live in an Islamic life. We want to have an Islamic State. Should not we have the freedom to express it?

After having said this, I have only one or two things to say. The Muslims in Pakistan are on trial. We have an opportunity—a golden opportunity, a Heaven-sent opportunity—for giving effect to the yearnings of our people, to the principles and the faith which we have deep in our hearts. We can do great things and make a lasting contribution to the welfare and happiness of mankind for all time to come if we seize this opportunity, and if we do not, we can be reduced to the level of a second, third or even fourth-place State, which might or might not exist for a very long time. Our Quaid-i-Azam, when he was struggling for the creation of Pakistan, said to his opponents:

“Gentlemen! You are mistaken. There are not two parties in India. There are three. It is not only the British and the Congress but it is also the Muslim League.”

We also very humbly and respectfully say to the world there are in this world not two ideologies only—the ideology of capitalism and the ideology of communism. But there is a third ideology—ideology of Islam which forms a bridge between both and by crossing which the mankind can yet be unified. Sir, I hope that the Muslims will appreciate the blessings which Providence has showered on them and will make good use of them so that the narrow streak of light, which according to the Mover of the Resolution, becomes a flood of light and illuminates the darkest corners up to the farthest limits.

Mr. Nur Ahmed (East Bengal : Muslim) : Sir, I think it to be the proudest moment of my life on being allowed to participate in the discussion on this very historic Resolution which has been sponsored in this August Assembly by a man of destiny. Sir, this Resolution embodies principles on which, if the constitution is based and acted upon, will inaugurate a new era of peace, prosperity, equality, fraternity and the world which has been torn into two principal factions, would heave a sigh of relief. Sir, much has been said about democracy. Some of the Honourable Members on the opposite side and unfortunately one Member of the Muslim League also, remarked in this House that this Resolution, as is framed, does not embody all the elements of modern democracy. I think the use of the word *Allah*, and the names of God, and the use of the word ‘Islamic’, have frightened some of the Honourable Members of the House. This is so because though we the people—both Hindus and Muslims—have lived in this sub-continent for more than 1,300 years and still the Hindus have failed to understand the inner meaning of Islam. Sir, this reminds me of one of the books, namely, “Historical Role of Islam” written by Mr. M. N. Roy. He regretted that though the Hindus have lived with Muslims for more than 1,300 years in this sub-continent, they have not realised the full significance and the dynamic force of Islam. They have not realised the full significance of the stern democracy of Islam, which is a panacea for all the sufferings of humanity. They have learnt their idea of Islam from the Muslim

drivers, coachmen who are in the lowest level of Muslim society and they imbibed a bitter hatred of Islam and what is Islamic. I am sorry to remark that in the discussion over this Resolution there have been fears expressed of things that are coming in Pakistan. Sir, what is after all democracy and what is embodied in this Resolution? Sir, the definition of democracy as given by Prof. Halsbury runs as follows :

“Democracy is a form of Government based upon self-rule of the people and in modern times upon the free elected representative institutions and an executive responsible to the people and a way of life upon the fundamental assumption of life, upon the fundamental assumption of equality of all individuals and their equal rights to life, liberty (including liberty of thought and expression) and pursuit of happiness.”

Sir, I respectfully ask my Honourable friends on the opposite side to study the various clauses of this Resolution in the light of this definition. You will find there all the elements are present in this Resolution—not only present but solemnly guaranteed to the people of Pakistan. I do not know what more the minority of Pakistan can expect from the Constitution of Pakistan? Sir, I think all the remarks, all the observations, are due to the ignorance of the History of Islam; its system of administration and its beneficial effect on human society. Objection has been raised to the Preamble of this Resolution but I find almost similar Preamble in some of the constitutions of the so-called modern secular States such as Ireland, South Africa. I ask my friends to read Sections 6 and 44 of the constitution of Ireland. Section 1 of South Africa, Sections 1, 2 and 3 of Norway, Sweden, Denmark.

Prof. Raj Kumar Chakraverty (East Bengal : General) : Sir, there is no quorum in the House.

(Mr. President announced that there is full quorum in the House.)

Mr. Nur Ahmed : Sir, this Resolution is a historic Resolution sponsored by a historic man. What do we find in the world today? World has become torn into factions in spite of these so-called democratic constitutions. I P. M, We find that in all the modern States in the world, their constitutions are based more or less on the same principles as are embodied in this Resolution. But, in the light of these constitutions, do the people enjoy their full rights and liberty. I may cite two or three instances to the House. Do the Negroes of U. S. A. enjoy equal rights with their white citizens? Are they not allowed even to read in the universities? Are the Africans given the same right as other citizens of South Africa? All sort of guarantee is given to every citizen but in actual practice, differential treatment is being accorded. Here in each and every word of the Resolution a solemn guarantee is given to everybody in the name of God. Sir, a remark has been made that because the word ‘Islam’ has been used in the paragraph?

“Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed.”

they decline to support the Resolution because this word has made the meaning vague. With all respect, I submit that the very use of the word ‘Islam’ makes this principle as definite and secure as anything. I ask my Honourable friends, opposite, do they not know that Islam spread from Arabia to Turkey, Spain, Persia within the course of 30 years and is it not a fact that a small nation like the Arab in the last stage of civilisation established a mighty empire because on the principles of Islam they set up powerful Empires and they were inspired by the principles of equality and fraternity. Today we find that in spite of the so-called secular democracy, slogans of equality, fraternity and liberty, two great devastating wars have already devastated a greater part of civilised world and a spectre of the third war is today looming large on the horizon. The world has been divided into blocs, viz., Western Bloc and Communist Bloc. There we find that the so-called modern democracy not based on moral sanctions has not proved an effective panacea for human amity, universal brotherhood, universal and international peace and prosperity. Hence

[Mr. Nur Ahmed.]

there has arisen an imperative need of a new formula for the constitution of a State. It is the most opportune moment that the Honourable Leader of the House has come before the House with this Resolution which embodies the principles of framing a constitution for Pakistan on moral basis. I think it will give the world a lead and guidance and one day the war-weary world would awaken from its sleep and find the dawn of a new era. It would help the world and comity of nations to live in peace and to get away with all the idea of hatred and rivalry. Sir, with these words, I very strongly support the Resolution.

The Assembly then adjourned, for Lunch, till Four of the Clock in the Evening.

The Constituent Assembly re-assembled after Launch, at Four of the Clock in the Evening. Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

MOTION RE : AIMS AND OBJECTS—*Concl'd.*

Dr. Mahmud Husain (East Bengal: Muslim): Mr. President, Sir, the proposition has already been very fully discussed and for me it is neither necessary nor desirable to take much time of the House. I shall confine myself, therefore, to a few remarks about the main proposition before the House and the amendments which have been moved. In my humble opinion—and I think the future historian will agree with me—this Resolution marks the beginning of a new chapter in the history of political thought. I wish to say just a few words to elucidate this point. Among the main concepts which have determined modern political thought, there are two which are of particular importance for the present discussion, and these two are absolute sovereignty of the State and the separation of morals and politics. These two ideas have particularly influenced the thought, the policy and the practice of modern States, and these are recognised, among other features, as special features of the modern State system.

Now, so far as the idea of sovereignty is concerned it is nearly 400 years old. It was in the fourteenth and fifteenth centuries that it acquired a definite shape. It was given a positive and concrete shape by the French political philosopher, Jean Bodin. Since then, State has been regarded as the highest order or the highest power. In other words, State is supposed to have exercised sovereignty or *majestas* as Bodin called it. By this term "sovereign" were meant those Princes or the States whose decisions with regard to their affairs and with regard to their subjects could not be appealed to in any higher quarter or higher authority, that is Pope or Emperor. Since then there was a sort of conflict of ideas—a conflict between the idea of the supremacy of the Emperor and the Pope, on the one hand, and the supremacy of the State, on the other. During the fourteenth and fifteenth centuries the French Kings stabilized their authority—when I speak of stabilization I mean not only stabilization *vis-a-vis* the Barons—those over-mighty subjects—but also *vis-a-vis* the Emperor and the Pope so far as temporal authority went. Bodin's principle was nothing but a statement of fact: the things as they stood at the time and the claims which were made by the French Kings *vis-a-vis* their own Barons and the Emperor and the Pope. But then, although today by "sovereignty" we mean something absolute and something indivisible; the father of this idea, *viz.*, Jean Bodin, recognised the necessity not merely of a strong Central Power but he also recognised that about it there was some such thing as divine law and that there was some such thing as natural law. 'Natural law' is a very much abused and misunderstood term but it served a useful purpose during the age during which it was propounded. In later times, however, these qualifications with regard to divine laws and natural laws, which were an essential part of the theory of sovereignty as

advanced by Jean Bodin, were dropped and sovereignty came to be regarded as something absolute and indivisible. Now it was this idea of sovereignty, absolute and indivisible, which led during the last few centuries to what has been termed "international anarchy". The anarchy that existed in the relations of States among themselves during all these centuries, and which became particularly pronounced in our own times. This was the direct result of the acceptance of the idea that a State was sovereign—absolutely sovereign—and that there was no power that was about it.

The other idea which had influenced the policy and practice of States is, as I have said before, the separation of morals and politics. Here it was an Italian thinker of the sixteenth century—he lived in the later half of the fifteenth and the earlier part of the sixteenth century—namely, Machiavelli, who was responsible for introducing this idea in political thought. A State, according to him, is not bound by ordinary laws of morality. A State has its own morality; it is termed "the reason of State". The poet of the East in his own inimitable style has referred to this thinker :

" *Aan Flanransawiye batil parast* "

(That unscrupulous Florentine)

He was an inhabitant of Florence.

" *An Flanransawiye batil parast,
Surma-i ou deeda-e mardum shakist.
Mumlekat ra deen ou mabood sakht,
Fikr ou mazmoom ra mahmud sakht.
Bosa ta bar paae ein mabood zad,
Naqd-e Haq ra bar ayar-e kood zad.*

(That unscrupulous Florentine

Misled the people with his false theories ;

His political doctrines made a fetish of the state ;

And his subtle reasoning gave evil the appearance of virtue ;

In order to worship this idol,

He sacrificed truth for material gain.)

The teachings meant sacrifice of truth for the sake of interest of the State. In other words, State reason became State morality. What "reason of the State" demanded was good: whatever was in the interest of the State was right. That was the philosophy which came into existence and which influenced political thought and practice of subsequent generations.

Now it is this concept which the Resolution, which has been put before this House, challenges and challenges in a direct manner. In my humble opinion, the question is not one of establishing either an Islamic State or a theocratic State, or challenging Europe or America, or this or that. The plain question is whether we propose to bring back morality to that sphere from which it had been banished, namely, the political sphere and whether we are prepared to recognise certain limitations upon our political authority, or whether we think that whatever we do is right and we are not bound by any laws of morality or higher principles. This is really the plain question. In fact, there can be no compromise between these two views. Those who dream in terms of bringing back morality to politics think that man is not really sovereign politically and that he is bound by certain limitations—limitations of morality, for instance. Well then this is something very different from the idea of the ordinary type of democratic sovereign State and there is little possibility of any compromise between the two ideas. But what I have not been able to understand is the objection which has been raised against it on religious grounds, namely, that it is something which Mussalmans have brought forward, and that it is something which members of other religions—

[Dr. Mahmud Husain.]

followers of other religions—cannot possibly accept. Really, I do not know of any religion which does not accept these principles. Any religion worth the name cannot help accepting these principles and, if that be so, then why object to it? As a matter of fact, nowhere in the Resolution any mention is made of Islam as such, of Quran as such, or of *Sunna*, except where it refers to the conduct of Mussalmans themselves. The Preamble states certain principles and these principles are of eternal value. These principles have been recognised in the past by all great religions and there should be no objection on the ground that a certain section of the population of Pakistan cannot accept them. The State of our dreams shall not be sovereign without any limits. It will recognise limits: for instance, it shall not be free to do evil, to commit mischief, to indulge in fraud or deceit in its relations with other States or in its relations with its own people. These are the limitations which are imposed by God and let me tell those who do not believe in God that these are limitations which should be recognised as moral limitations, and as such should be acceptable to all alike.

Thus I believe, Sir, that the acceptance of this broad principle which has been enunciated in the Preamble and the Resolution is essential if we are to change the course of history, and if we are to make our contribution to political thought and practice. There is no mention in the Resolution of establishing either a theocratic or even an Islamic State. All that is intended by the wording of the Resolution is the establishment of a moral State.

An objection has been raised, so far as the Preamble is concerned, to the use of the word "State"—that the power is delegated to the State. Now here the fears which have been expressed are not very real and if only we refer to the meaning of the word "State" we shall find that it merely means the people; a State is nothing but a people that is politically organized on a territorial basis. The advantage in using the word State is that it is something definite. It is a legal person whereas people is a merely sociological concept. And, therefore, Sir, this is much preferable to the use of the word "people". The idea that it might lead to the establishment of an autocracy or the establishment of an absolutist or dictatorial Government is quite baseless. It can assure the Members of this House that if ever a dictatorship was established in Pakistan—let us hope that it never will—the dictator will not quote this Resolution in support of his authority. He will have to have something more concrete and more positive without which he would not be able to function as a dictator. The words "through the people", the phrase which has been used along with the word "State", I think, is a sure guarantee that this State will be based not upon the will of a single individual, autocratic and absolutist but upon the will of the people themselves which is the essence of modern democracy.

The amendments which have been moved are many but I wish to refer to a few of them very briefly. One word to which objection has been raised, one word which has been suggested to be inserted, is "democratic". If by the word "democracy" is meant the ordinary kind of democracy that is prevalent in the West then surely it will be defeating the purpose of the Objectives Resolution because it is not intended to establish an ordinary type of democracy. Ours will be a democracy which will have all the good points of democracy in it and all these have been mentioned in black and white—the principle of equality, the principle of liberty, the principle of tolerance, the principle of social justice—all these have been mentioned. The rights which individuals enjoy in democracies, which is a desirable feature of democracies are also mentioned in the Resolution in so many words. Sir, the word "democratic", therefore, is quite unnecessary. It will either mislead people or it will be something which will be meaningless in this context. There are certain other amendments which are of a verbal nature and it might be possible to

accept them. But, on the whole, really it is the Preamble which is the basis of the Resolution and that part of the Resolution which says that 'Muslims shall be enabled to evolve their lives in accord with the principles of Islam', and so on. These are the two things which have been particularly and vehemently opposed but I do not see any point why any section of the House should object to the Mussalmans regulating their lives according to their scriptures and according to the traditions of their Prophet.

Sir, I do not like, as I said in the beginning, to take much time of the House but in the end I shall only say that this House has no doubt a duty to the minorities of Pakistan and the protection of the minorities has been amply provided in the Resolution in several places and in several sections. It also has a duty to the majority; it has a duty to itself; it has a duty to the heroes who laid down their lives for the achievement of Pakistan; it has a duty to the much-abused term "posterity" and to mankind in general. Let us rise to the occasion and be the harbingers of a new era in the world in which neither wealth shall be the criterion of political power, as it is in capitalistic democracies, nor will man be reduced to the position of an animal, devoid of all spiritual and moral values as it is elsewhere, but where the good life will be the ideal and the State will do all to realize it.

Begum Shaista Suhrawardy Ikramullah (East Bengal : Muslim): Mr. President, Sir, I did not intend to speak on this Objectives Resolution because I felt that after the masterly interpretation and the lucid exposition of the Honourable Mover of the Resolution, there could be nothing that I could add to it. Since then there has been much discussion on this Resolution and many speakers have very ably further interpreted and explained the background and intention of this Objectives Resolution. I have been forced to speak only for one reason. I have got an impression, perhaps an erraneous one—that we are rather too self-satisfied and complacent on our achievement. What exactly have we achieved? I do not think that for a State where the majority of the population is Muslim, it is such a tremendous achievement to have declared that the sovereignty of this universe belongs to God alone and that in this State "Muslims will be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunna*". I do not think that mere declaration of it is such a great achievement and justifies the orgy of praise we have been giving to ourselves. When we have translated this declaration into actual practice, we would certainly deserve congratulations and praise; till then, let us be humble about it, till then, I think, it would be more becoming if an attitude should be one of self-searching and humility. There has been a tendency in some of our speeches already to give ourselves cries of deliverers of mankind and saviours of the world. There is no doubt that Islam as in its teachings is panacea for all the ills of the world.

One thousand and three hundred years ago, the world was plunged in darkness and was on the precipice of a disaster as today and Islam rose from the desert as a beacon of light and saved humanity. It can truly be said about Islam :

*"Wuh deen jis ne aada ko ikhwan banaya,
Wuhoosho bahaim ko insan banaya;*

*Gadaryon ko aalam ka sultan banaya,
Darindon ko ghamkhware dauran banaya."*

(The religion that turned enmity into friendship,
Barbarity into culture;

Squalor into splendour,
and savagery into benevolence.)

[Begum Shaista Sahrawardy Ikramullah].

Unfortunately, it is equally true about us, Mussalmans of today, that :

*“ Har koi mast-e mae- zog-e tan aasani hai,
Tum Mussalman ho ye andaz-e mussalmani hai;*

*Haidari faqr hai nai daulat-e Osmani hai,
Tum ko islaf se kya nisbat-e roohani hai;*

*Wuh zamanay main muazzaz thay mussalman hokar,
Aur tum khwar huay tarik-e Quran hokar. ”*

(You are given to languor and indolence ;
Is it the way a Muslim should live.

You have neither Ali's contentment nor Usman's munificence,
In fact you have no spiritual affinity with your ancestors.

They were great as they honoured the Quran ,
You lie in dust as you have disgraced it.)

While we are still in this State, let us be humble. Let us not parade our superiority till we have become superior. We have a great tradition, a wonderful religion, but so far we have not been worthy exponents of that religion.

We have accused the Opposition of ignorance of Islam. We have said that their fear is based on ignorance. That is true, but if the lives of us Mussalmans had even the remotest resemblance to the teachings of Islam, they would not have remained ignorant. They had lived side by side with us for hundreds of years. If we Mussalmans had been true Mussalmans in any sense of the word, we would have been the greatest teachers of Islam to them. I feel that in the declaration of this Objectives Resolution we have undertaken a tremendous task of very great responsibility. I, for one at least, am appalled at the task we have undertaken. I think it is only by Grace of God that we can acquit ourselves of this tremendous responsibility. I hope and pray that we prove ourselves worthy of this Resolution, worthy of the martyrs that spilled their blood to achieve for us the State of Pakistan, so that we could live according to the tenets of Islam. With great regret I say that it is eighteen months since Pakistan has been established, but with great regret I say that there are no signs of the promises that were made to the people of Pakistan being fulfilled. There has been no improvement whatsoever in the conditions of their lives to justify the sacrifices they made for the securing of the State. Instead of improvement there is a worsening of conditions, corruption is rife, black-marketing rampant and misery stalks the land.

This Objectives Resolution is but a redeeming of the pledge that was given to the people. I hope it will usher in a new era of peace for the world and for ourselves.

Mr. Sris Chandra Chattopadhyaya (East Bengal : General): Mr. President, I thought, after my colleague, Mr. Bhupendra Kumar Datta, had spoken on the two amendments on behalf of the Congress Party, I would not take any part in this discussion. He appealed, he reasoned and made the Congress position fully clear, but after I heard some of the speakers from the majority Party, viz , Muslim League Party, the manner in which they had interpreted the Resolution, it became incumbent on me to take part in this discussion.

I have heard Dr. Malik and appreciate his standpoint. He says that “ we got Pakistan for establishing a Muslim State, and the Muslims suffered for it and therefore it was not desirable that anybody should speak against it ”. I quite agree with him. He said : “ If we establish a Muslim State and even if we become reactionaries, who are you to say anything against it ? ” That is a standpoint which I understand, but here there is some difficulty. We also, on this side, fought for the independence of the country. We worked for the independence of the entire country. When our erstwhile masters, Britishers, were

practically in the mood of going away, the country was divided—one part became Pakistan and the other remained India. If in the Pakistan State there would have been only Muslims, the question would have been different. But there are some non-Muslims also in Pakistan. When they wanted a division, there was no talk of an exchange of population. If there was an exchange of population, there would have been an end of the matter, and Dr. Malik could establish his Pakistan in his own way and frame constitution accordingly. It is also true that the part of Pakistan in which Dr. Malik lives is denuded of non-Muslims. That is clear.

Dr. Omar Hayat Malik : On a point of order, Sir, I never said that. He has understood me quite wrongly.

Mr. President : You may say something as a matter of personal explanation if you like.

Dr. Omar Hayat Malik : I never said that Pakistan was denuded of non-Muslims. My friend on the opposite has misunderstood me.

Mr. Sris Chandra Chattopadhyaya : I say the part in which Dr. Malik lives is denuded of non-Muslims. I did not say that Dr. Malik had said that Pakistan was denuded of non-Muslims. That is clear.

But we belong to East Bengal. One-fourth of the population is still non-Muslim. Therefore, what constitution is to be framed, it is our duty, it is in our interest to look to. We are not going to leave East Bengal. It is our homeland. It is not a land by our adoption. My forefathers, founder of my family, came to East Bengal thousand years back on the invitation of the then King of Bengal. I am 27th in decent from him. Therefore, East Bengal is my land. I claim that East Bengal and Eastern Pakistan belongs to me as well as to any Mussalman and it will be my duty to make Pakistan a great, prosperous and powerful State so that it may get a proper place in the comity of nations because I call myself a Pakistani. I wish that Pakistan must be a great State. That will be covetable to Muslims as well as to non-Muslims who are living in Eastern Bengal. A few people from East Bengal have left—may be five per cent. and my calculation is not even that. Of course, there are other calculations too—somebody says ten lakhs. We are living in East Bengal peacefully, in peace and amity with our Muslim neighbours as we had been living from generations to generations. Therefore, I am anxious to see that its constitution is framed in such a way which may suit the Muslims as well as the non-Muslims. I have gone carefully through this Resolution and I have carefully read made-to-order, nicely-worded statement of my esteemed friend, Mr. Liaquat Ali Khan. But after reading the Resolution carefully and reading the statement, even after hearing the speeches of my friends, both the Doctors and others, I cannot change my opinion. I cannot persuade myself to accept this Resolution and my instruction to my party would be to oppose this Resolution.

Now, as for the first paragraph :

“Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust.”

This part of the Resolution, I think, ought to be deleted. All powers, in my opinion, rest with the people and they exercise their power through the agency of the State. State is merely their spokesman. The Resolution makes the State the sole authority received from God Almighty through the instrumentality of people—*Nemittamatrona*, “Merely instruments of the State”. People have no power or authority, they are merely post boxes according to this Resolution. The State will exercise authority within the limits prescribed by Him (God). What are those limits, who will interpret them? Dr. Qureshi or

[Mr. Sris Chandra Chattopadhyaya.]

my respected Maulana Shabbir Ahmad Osmani? In case of difference, who will interpret? Surely they are not the people. One day a Louis XIV may come and say "I am the State, annointed by the Almighty" and thus paving the way for advent Divine Right of Kings of afresh. Instead of State being the voice of the people, it has been made an adjunct of religion. To me voice of people is the voice of God. "*Jatra jiba tatra shiva*" The people are the manifestation of God.

In my conception of State where people of different religion live, there is no place for religion in the State. Its position must be neutral: no bias for any religion. If necessary, it should help all the religions equally. No question of concession or tolerance to any religion. It smacks of inferiority complex. The State must respect all religions: no smiling face for one and askance look to the other. The State religion is a dangerous principle. Previous instances are sufficient to warn us not to repeat the blunder. We know people were burnt alive in the name of religion. Therefore, my conception is that the sovereignty must rest with the people and not with anybody else.

Then about the Constituent Assembly representing the people of Pakistan. This Constituent Assembly was created by a Statute—Indian Independence Act—alloting one member for ten lakhs of people to be elected by the members of the Provincial Assemblies. The members were not elected by the people themselves. They are for the purpose of framing a constitution. They have the legal right to do so but they cannot say that they are the representatives of the people. They are merely a Statutory Body.

Then I come to the fourth paragraph:

"Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed."

Of course, they are beautiful words: Democracy, freedom, equality, everything. Now about this portion I had some discussion with some *Maulanas* from the Punjab. What they told me must be from their religious books. I shall repeat here. If I commit any blunder, I wish to be corrected.

In this connection you say "equal rights", but at the same time with limitations as enunciated by Islam. Is there any equal right in an Islamic country? Was there any.....*An Honourable Member*: "There was in Islamic countries.".....It was not between Muslims and non-Muslims. We are now divided into Congress Party and Muslim League Party here for framing constitution and suppose after framing of this constitution we face election, and parties are formed on different alignment, there may not be Congress, there may not be Muslim League, because the Congress has fulfilled its mission of attaining independence and Muslim League has also got Pakistan. There may be parties of haves and have-nots—and they are bound to be—and have-nots party may have a leader coming from non-Muslims. Will he be allowed to be the head of the administration of a Muslim State? It is not a fact that a non-Muslim cannot be head of the administration in a Muslim State? I discussed this question and I was told that he could not be allowed to be the head of the administration of a Muslim State. Then what is the use of all this. The question is whether there can be *Juma Namaz* in a country with a non-Muslim as its head, I am told that a country where a non-Muslim is the Head of the administration—as was in India, the Britishers were the head of the administration—according to the interpretations of Muslim rules, and I do not know much of them—Muslims cannot say their *Juma Namaz*. As an instance, I cite a case and I think, the Honourable President also knows about it—in the District of Faridpur, Duda Mea's party. They do not say *Juma Namaz*. His grandson, Pir Badshah Mea, told me that "in a country where the head is a non-Muslim, there cannot be *Juma Namaz*". Therefore, the words "equal rights as enunciated by

Islam" are—I do not use any other word—a camouflage. It is only a hoax to us, the non-Muslims. There cannot be equal rights as enunciated by Islam. If the State is formed without any mandate of the religion, anybody whether Hindu, Muslim, Christian, Buddhist who can get votes can become its head, as such there would be difficulty if we accept this Resolution as it is. It cuts at the root of equal rights. I read out a portion of a book—it is not my book, it is not a Congress book, it is a Jamait-i-Islam publication from Lahore and it was handed over to me. I read a few lines from this book—Page 30 :

"The preceding statement makes it quite clear that Islam is not democracy; for democracy is the name given to that particular form of Government in which sovereignty ultimately rests with the people, in which legislation depends both in its form and content on the force and direction of public opinion and laws are modified and altered, to correspond to changes in that opinion. If a particular legislation is desired by the mass of people steps have to be taken to place it on the Statute Book if the people dislike any law and demand its removal, it is forthwith expunged and ceases to have any validity. There is no such thing in Islam which, therefore, cannot be called democracy in this sense of the term."

My friend, the Honourable Sardar Abdur Rab Nishtar, the other day said, 'What is in the name?' I also say, what is in the name? Name may be given to mislead people but it will smell theocracy.

The Honourable Sardar Abdur Rab Khan Nishtar (West Punjab: Muslim): Do you know what treatment was meted out to this man by the Government? He is in jail.

Mr. Sris Chandra Chattopadhyaya: That is a different matter. Further he goes on :

"A more apt name for it would be the Kingdom of God which is described in English as 'theocracy'."

I do not know much of your theocracy or *Sunna*. But he told me many things about Islam.

And then you will also find this :

"No law can be changed unless the injunction is to be found in God's *shariat*. Laws are changed by the consensus of opinion amongst the Muslims."

So, if any law is to be changed, it is to be changed by the vote of the Muslims only. Where are we then? We are not Muslims. There
5 P.M. are, I find, many safeguards in the Resolution. I do not attach much importance to them. Words are there but there is no law which will allow them to be put into practice. That is the limitation. If the non-Muslims cannot vote, then what is the good of our coming here for framing the constitution? Even if we have the right to vote for a legislation but if some non-Muslim wants to be the President of the State, he will not be able to do so. If we want to elect somebody who is a non-Muslim, he cannot be elected by us to be a member of the legislature. We may vote, but we can vote for Mr. Nishtar only and not for Mr. Sris Chandra Chattopadhyaya, who is a non-Muslim. I know you can pass this Resolution because you are in the majority and I know the tyranny of the majority. But we cannot be a consenting party to it; we must oppose it in order to safeguard our interests and not to commit suicide by accepting this Resolution. If that is so, what is the position of non-Muslims in a Muslim State? They will play the part of the second fiddle—the drawers of water and hewers of wood. Can you expect any self-respecting man will accept that position and remain contented? If the present Resolution is adopted, the non-Muslims will be reduced to that condition excepting what they may get out of concession or pity from their superior neighbours. Is it equality of rights? Is it wrong if we say that the non-Muslims will be in the position of Plebeians? There may not be patricians and plebeians in the Muslim community, but the question is between the Muslims and non-Muslims.

[Mr. Sris Chandra Chattopadhyaya.]

That much about this Resolution. Now, Dr. Qureshi has attributed fear complex to the non-Muslims and has found a new dictum of behaviour for the minority. He has given a warning to the non-Muslims and has asked them to discard fear and behave well. What does our conduct show? We are not afraid of anybody. We, the Congress people, were not afraid of anybody or any power. We are still living in Eastern Pakistan and we are not running away. We are telling our brothers not to leave Eastern Pakistan and not to give up one inch of land. The position in the Western Pakistan is different. There the non-Muslims have left. But we are determined to stay on. As for behaviour, it depends upon the majority community by their behaviour to get the confidence of the minority people. The minority people cannot create by their conduct confidence in the majority. The majority people should behave in such a way that the minority people may not be afraid of them and may not suspect them....

Dr. Ishtiaq Husain Qureshi: On a point of personal explanation, Sir, I never said or implied in my speech that my friends on the opposite side were suffering from the fear of the seen. Unfortunately, they have been suffering from the fear of the unknown and my point was that the Objectives Resolution does not embody any principle which might make them afraid. I know that my friends are very brave and they would certainly not run away and I also know....

Mr. President: This much will do for your explanation.

Mr. Sris Chandra Chattopadhyaya: It goes without saying that by introducing the religious question, the differences between the majority and the minority are being perpetuated, for how long, nobody knows. And, as apprehended by us, the difficulty of interpretation has already arisen. The accepted principle is that the majority, by their fair treatment, must create confidence in the minority. Whereas the Honourable Mover of the Resolution promises respect, in place of charity or sufferance for the minority community, the Deputy Minister, Dr. Qureshi, advises the minority to win the good-will of the majority by their behaviour. In the House of the Legislature also we find that, while the Prime Minister keeps perfectly to his dictum, others cannot brook that the Opposition should function in the spirit of opposition. The demand is that the Opposition should remain submissive. That is Dr. Qureshi's way of thinking. The minorities must be grateful for all the benevolence they get and must never complain for the malevolence that may also be dealt out to them. That is his solution of the minority problem.

Dr. Ishtiaq Husain Qureshi: Sir, I again rise on a point of personal explanation. I never said that. My words are being twisted. What I said was this that the best guarantee of a minority's rights is the good-will of the majority and those words cannot be twisted into the way my friend has been twisting them.

Mr. Sris Chandra Chattopadhyaya: My esteemed friend, Mr. Nishtar, speaks that there is difference of outlook between the two parties. It is true that before the division of India into two States, India and Pakistan, we opposed the division on the ground that the people of India consisted of one nation, and the Muslim League supported the division on two-nation theory, the Muslims and the non-Muslims. There was this fundamental difference in our outlook and in our angle of vision. India was divided without the division of the population. So, in both the States there are Muslims and non-Muslims—no exchange of population and even no exchange of population under contemplation. We, the non-Muslims of Pakistan, have decided to remain in Pakistan, as the loyal citizens of Pakistan. Of course, some

non-Muslims from East Bengal and practically the majority of non-Muslims from West Pakistan left the place. We call ourselves the nationals of Pakistan and style ourselves as Pakistanis. But this Resolution cuts at the root of it and Mr. Nishtar's speech makes it clear. We, the Congress people, still stick to our one-nation theory and we believe that the people of Pakistan, Muslims and non-Muslims, consist of one nation and they are all Pakistanis. Now, if it is said that the population of Pakistan consists of two nations, the Muslims who form the majority party and the non-Muslims who form the minority party, how are they to be described? Nowhere in the world nationality is divided on the score of religion.

Even in Muslim countries there are people of different religions. They do not call themselves a majority or minority party. They call themselves as members of one nation, though professing different religions. If the Muslims call themselves Pakistanis, will the non-Muslims call themselves non-Pakistanis? What will they call themselves?

Some Honourable Members : Pakistanis.

Mr. Sris Chandra Chattopadhyaya : Will they both call themselves Pakistanis? Then how will the people know who is Muslim and who is non-Muslim? I say, give up this division of the people into Muslims and non-Muslims and let us call ourselves one nation. Let us call ourselves one people of Pakistan. Otherwise, if you call me non-Muslim and call yourselves Muslim the difficulty will be if I call myself Pakistani they will say you are a Muslim. That happened when I had been to Europe. I went there as a delegate of Pakistan. When I said "I am a delegate of Pakistan" they thought I was a Muslim. They said "But you are a Muslim". I said, "No, I am a Hindu". A Hindu cannot remain in Pakistan, that was their attitude. They said: "You cannot call yourself a Pakistani". Then I explained everything and told them that there are Hindus and as well as Muslims and that we are all Pakistanis. That is the position. Therefore, what am I to call myself? I want an answer to that. I want a decision on this point from my esteemed friend, Mr. Liaquat Ali Khan.

I request my Honourable friend, Mr. Nishtar, to forget this outlook, this angle of vision. Let us form ourselves as members of one nation. Let us eliminate the complexes of majority and minority. Let us treat citizens of Pakistan members of one family and frame such a constitution as may not break this tie so that all communities may stand shoulder to shoulder on equal footing in time of need and danger. I do not consider myself as a member of the minority community. I consider myself as one of seven crores of Pakistanis. Let me have to retain that privilege.

I have stated about this Resolution. Now what will be the result of this Resolution? I sadly remind myself of the great words of the Quaid-i-Azam that in state affairs the Hindu will cease to be a Hindu; the Muslim shall cease to be a Muslim. But alas, so soon after his demise what you do is that you virtually declare a State religion! You are determined to create a *Herren-volk*. It was perhaps bound to be so, when unlike the Quaid-i-Azam—with whom I was privileged to be associated for a great many years in the Indian National Congress—you felt your incapacity to separate politics from religion, which the modern world so universally does. You could not get over the old world way of thinking. What I hear in this Resolution is not the voice of the great creator of Pakistan—the Quaid-i-Azam (may his soul rest in peace), nor even that of the Prime Minister of Pakistan, the Honourable Mr. Liaquat Ali Khan, but of the *Ulemas* of the land.

When I came back to my part of the country after several months absence in Europe, the thing that I saw there depressed me. A great change for the worse has come over the land. I noticed that change this side also.

[Mr. Sris Chandra Chattopadhyaya.]

I told His Excellency Khwaja Nazimuddin of it. I told the Honourable Mr. Liaquat Ali Khan about it and now that spirit of reaction has overwhelmed this House also. This Resolution in its present form epitomises that spirit of reaction. That spirit will not remain confined to the precincts of this House. It will send its waves to the country-side as well. I am quite upset. I have been passing sleepless nights pondering what shall I now tell my people whom I have so long been advising to stick to the land of their birth? They are passing a state of uncertainty which is better seen and felt than imagined from this House. The officers have opted out, the influential people have left, the economic conditions are appalling, starvation is widespread, women are going naked, people are sinking without trade, without occupation. The administration is ruthlessly reactionary, a steam-roller has been set in motion against the culture, language and script of the people. And on the top of this all, by this Resolution you condemn them to a perpetual state of inferiority. A thick curtain is drawn against all rays of hope, all prospects of an honourable life.

After this what advice shall I tender? What heart can I have to persuade the people to maintain a stout heart? But I feel it is useless bewailing before you, it is useless reasoning with you. You show yourselves incapable of humility that either victory or religion ought to generate. You then go your way, I have best wishes for you. I am an old man not very far from my eternal rest. Personally I am capable of forgetting all injuries. I bear you no ill will. I wish you saw reason. Even as it is, may no evil come your way. May you prosper, may the newly-born State of Pakistan be great and get its proper place in the comity of nations. (*Applause.*)

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : I have listened to the speech of my Honourable friend, the Leader of the Congress Party, with great care. I assure him that whatever I say will be with full sense of responsibility and in all sincerity.

I do not propose, Sir, to take the time of the House by traversing the same ground which has been covered by so many speakers before me. There were certain amendments that were moved by the members on the other side to this Resolution which has been under discussion, and some of my colleagues on this side, I thought, had succeeded in removing all the doubts that were raised in the form of those amendments. But, Mr. President, you cannot convince a man who refuses to be convinced and, therefore, Sir, I would not waste the time of this House in trying to explain once again the implications of this Resolution and the futility of the amendments which have been proposed from the other side.

Sir, my Honourable friend, the Leader of the Congress Party, had a visit from some *Ulemas*. He did not tell us whether it was that they had come in search of knowledge to him or whether he had gone in search of knowledge to them. But I presume that this visit was paid by certain *Ulemas* according to him from Lahore on their own initiative and they left certain literature with him, which seems to have upset my Honourable friend, who is very seldom upset. I can quite understand why this visit and why this handing over of this literature was done. There are some people here who are out to disrupt and destroy Pakistan and these so-called *Ulemas* who have come to you, they have come with that particular mission of creating doubts in your mind regarding the *bona fides* of the Mussalmans of Pakistan. Do not for God's sake lend your ear to such mischievous propaganda. I want to say and give a warning to this element which is out to disrupt Pakistan that we shall not brook it any longer. They have misrepresented the whole ideology of Islam to you. They are in fact enemies of Islam while posing as friends and supporters of Islam.

Sir, my Honourable friend said that according to these people, the Muslims will not offer their *Juma* Prayers if there was a non-Muslim as the head of the State. Well, Sir, till yesterday—when I say yesterday I am only talking figuratively—we had non-Muslim rulers here. Were not the Muslims offering prayers? Were they not offering *Juma* Prayers? Can you say they have never offered *Juma* Prayers in this country? How can, then, anybody come to you and how easily you get taken in by a statement of this kind?

Mr. Sris Chandra Chattopadhyaya : They did not tell me. I mentioned Dudu Mea's party whose grandson is Pir Badshah Mea.

The Honourable Mr. Liaquat Ali Khan : Supposing there are some maniacs in this country or amongst the Mussalmans, are you going to be guided by what they say or are you going to be guided by what a vast majority of Mussalmans believe in? If my friend wants that we should succeed in persuading every Mussalman in Pakistan to think in the same way on every matter. Well that is a task which is not possible for any organization or leader or any people to do.

Sir, my Honourable friend said that you have talked of equality and again he has been misled by these so-called *Ulemas* because according to these people there can be no equality. I am really surprised that a man of his ripe experience should really be taken in so easily and should put all his belief in what these two people have told him and not believe in what we and men like Maulana Shabbir Ahmad Osmani have been telling him about Islam. Sir, as I said when you have made up your mind it is very difficult to try and convince you.

Sir, my friend said that these people told him that in an Islamic State—that means a State which is established in accordance with this Resolution—no non-Muslim can be the head of the administration. This is absolutely wrong. A non-Muslim can be the head of administration under a constitutional government with limited authority that is given under the constitution to a person or an institution in that particular State. So here again these people have indeed misled him.

Sir, my Honourable friend's last peroration I very much regret. But for the fact that I have great regard for him and a belief that whatever he says is out of sincerity I would have said it was a most mischievous statement to have been made by any responsible citizen of Pakistan. He has interpreted the Resolution in a most undesirable manner. He has by his remarks told the non-Muslims here that if this Resolution is passed there is no place for them in Pakistan. This, Sir, as I said is not the type of statement that one would expect from one who professes to be a true and real Pakistani. Sir, let me tell my Honourable friend that the greatest guarantee that the non-Muslims can have, they will get only through this Resolution and through no other manner and therefore I would request him not to be misled by interested persons and do not think for a moment that this Resolution is really intended, or will really result, in driving out the non-Muslims from Pakistan or reducing them to the position of—as he described—hewers of wood and drawers of water. In real Islamic society let me tell you, Mr. President, there are no classes of hewers of wood and drawers of water. The humblest can rise to the highest position. Of course, I can quite understand his believing it because my friend has been brought up in a society where there are condemned people who are born as hewers of wood and drawers of water and remain as such. But let me tell him that there is no such thing in Islamic society or in Islam. When we say social justice we mean social justice. And when we say democracy—as a matter of fact he propounded some other theory that he had learned from the so-called

[The Honourable Mr. Liaquat Ali Khan.]

Ulemas that there is no such thing as democracy in Islam—we mean democracy in the real sense and nothing else. I think, Sir, even the bitterest opponents of Islam have never made such an astounding statement. As a matter of fact it has been recognized by non-Muslims throughout the world that Islam is the only society where there is real democracy.

Sir, there was another astounding statement that he made and for this statement he did not get his inspiration from the *Ulemas* from Lahore, but I do not know from where he got it. He said, “Your Resolution is a mis-statement of facts, because you say here that this Constituent Assembly representing the people of Pakistan resolves: This Constituent Assembly does not represent the people of Pakistan”. Then, Sir, whom does this Constituent Assembly represent? If it does not represent the people of Pakistan, then why are my friends wasting their time here and sitting in this Constituent Assembly? Then what are we talking about? Either this Constituent Assembly represents the people of Pakistan or it does not? If it does not represent the people of Pakistan, then this Constituent Assembly has no right to frame any constitution for the people of Pakistan. Is that what he expects me to accept? Sir, I do not know why he made that statement because he did not tell us what were his reasons for making such a statement.

Mr. Sris Chandra Chattopadhyaya : I gave them.

The Honourable Mr. Liaquat Ali Khan : He said he gave those reasons. They may be in his mind, but they were never uttered.

Sir, my Honourable friend said that Muslim League has fulfilled its mission because it has achieved Pakistan. I submit, Mr. President, that the Muslim League has only fulfilled half of its mission. The other half of its mission is to convert Pakistan into a laboratory where we could experiment upon the principles of Islam to enable us to make a contribution to the peace and progress of mankind. Therefore he is not right when he says that the Muslim League has completed its mission.

Sir, my Honourable friend said: “Are the Pakistani nationals only Hindu or Muslims?” I say we are both. There are Hindus and Muslims in Pakistan and everyone of us is a national of Pakistan. I do not see any contradiction in this statement. You can be a national of a State, with equal rights, equal privileges and equal responsibilities and yet remain Muslims and Hindus. I really do not see, Mr. President, what is the difficulty about that. My Honourable friend said that when he went to England and Europe last year, they would not believe that there was any non-Muslim in Pakistan and they all took him to be a Muslim. It is not the fault of Pakistan, Mr. President; it is the fault of the Honourable Member’s erstwhile friends and co-workers! The propaganda that they have been carrying on throughout the world against Pakistan with regard to this very particular matter is responsible for this misunderstanding, not that the Muslims have ever said that there are no non-Muslims in Pakistan or that we do not want that there should be no non-Muslims in Pakistan. As a matter of fact, let me tell you, Mr. President, what we have provided here for minorities I only wish that the sister Dominion of India had provided similar concessions and similar safeguards for the minorities in India. Here, we are guaranteeing you your religious freedom, advancement of your culture, sanctity of your personal laws and equal opportunities, equality in the eye of law. What have they done on the other side? No question of culture. As a matter of fact, the personal law of Muslims is not to be recognised in India. That is the position. Does my friend really want me to create a state in Pakistan like what his erstwhile friends are doing in India? Does he really want me to create a State like that? I shall not, Mr. President. I want

a State where every community will be free to live its own life and not be forced to act as the majority wants it to act.

Sir, my Honourable friend said towards the end of his speech which I call—I think he will pardon me, I am not used to using strong language, but I think on this occasion I must say—a mischievous portion of his speech. He said that in Bengal it is communal rule. The position of non-Muslims is pitiable. Who is responsible for this communal rule, may I ask him? Did we turn out the non-Muslim Officers from our administration? Was it not due to the fact that it was a part of the plan to destroy Pakistan administratively and all the non-Muslims were made to opt for India and not serve Pakistan? Is it my fault today if there are no non-Muslims in the administration of Pakistan? My friend knows what was the position in Bengal and, therefore, I think that it was not really right for him to have made this a grievance against the Pakistan Government or the Muslims of Pakistan. I hope, in due course of time, there will be non-Muslims in the services of Pakistan, because we are leaving the doors open for everyone, Muslim or non-Muslim, to enter Pakistan services.

Mr. President, my friend said that he was going to oppose this Resolution. After listening to his speech it is clear that he had made up his mind from the very beginning to oppose this Resolution, not because he has reason on his side, but because he has suspicion in his heart. Now it is up to us to try by our action and to show by framing our constitution in such a way that whatever suspicions, whatever misgivings he has got, they may be removed.

Sir, my Honourable friend, Mr. B. C. Mandal, told me that the posterity will curse me for bringing forward this Resolution. Let me tell my friend, if we succeed in building Pakistan on the basis of this Resolution, we shall be able to create conditions that the posterity instead of cursing me, will bless me. But I assure you, as the world is moving today, there will be no posterity to curse or bless. Mr. President, the fundamental difference in our outlook and the outlook of other countries and those who are opposing us is that : We feel that what the world today needs is not pure and simple materialism, but what the world needs is spiritual and moral values. In all these so-called advanced countries, all human intelligence, all human knowledge is being used today for the purpose of destroying humanity. My Honourable friends know it very well. All these big nations, what are they doing today? They are inventing and making weapons mightier and mightier; weapons of greater and greater destruction. We feel that we will not be making any contribution towards the peace and security of the world if we just framed our constitution on the basis of the other constitutions of the world. Your constitution will either be of one type or the other type. You will either help this combination of nations to destroy each other or that combination of nations to destroy each other and thereby destroying the whole humanity. What we are trying to do and what we believe in is that we must at least try and see if we cannot put something before the world which might mean its salvation. I know—it is a very big ambition—that it is what some people might think and say : “Well! You are too presumptuous.” But at the same time, Mr. President, Pakistan is a very big nation also and, therefore, a big nation must have big ambitions and I feel that if we honestly and sincerely work for the advancement and building up of Pakistan in accordance with the principles of this Resolution, I think we will succeed. Sir, in the words of that great poet :

It is better to have loved and lost than never to have loved at all.

I would say :

It is better to have tried and failed than never to have tried at all.

Sir, I would just once again tell my friends on the other side that whether you believe us or whether you do not believe us; whether you desire it of

[The Honourable Mr. Liaquat Ali Khan.]

whether you do not desire it, as long as you are citizens of Pakistan, we are determined to do the right thing by you for the simple reason that our religion tells us to do so, for the simple reason that we are trying to build up this State on morality and on higher values of life than what materialism can provide. Sir, as I stated in the beginning, I will not waste the time of the House by going through the same arguments with regard to these amendments. I know and let me tell my friend, the Leader of the Congress Party, I fully appreciate his feelings. I know how he feels. But at the same time I would appeal to him to trust us, give us a chance to show that what we are preaching, we are determined to practise. Mr. President, Pakistan is a great country. It is one of the wealthiest countries—I know some of my friends may be thinking why I am saying that—because the greatest wealth of a country is its people and we have a wonderful people, we have a wonderful nation. Given an opportunity, given proper environments, I have not the least doubt in my mind that a day will come when people will be grateful, humanity will be grateful, to you and us for producing something which will bring peace and prosperity to mankind and which will save it from self-destruction. (*Loud and prolonged cheers.*)

Mr. President : First I shall put the amendments. The question is :

“That the paragraph beginning with the words ‘Whereas sovereignty over the entire universe’ and ending with the words ‘.... is a sacred trust’ be omitted.”

The House then divided.

AYES—10

Mr. Prem Hari Barma
Prof. Raj Kumar Chakraverty
Mr. Sris Chandra Chattopadhyaya
Mr. Akshay Kumar Dass
Mr. Bhupendra Kumar Datta

Mr. Jnanendra Chandra Majumdar
Mr. Birat Chandra Mandal
Mr. Bhabesh Chandra Nandy
Mr. Dhananjoy Roy
Mr. Harendra Kumar Sur

NOES—21

Mr. A. M. A. Hamid
Maulana Mohd. Abdullah-el Baqui
Mr. Abul Kasem Khan
Maulana Mohd. Akram Khan
The Hon'ble Mr. Fazlur Rahman
Prof. Ishtiaq Husain Qureshi
The Hon'ble Mr. Liaquat Ali Khan
Dr. Mahmud Husain
Mr. Nur Ahmed
Mr. Serajul-Islam
Maulana Shabbir Ahmad Osmani

The Hon'ble Khwaja Shahabuddin
Begum Shaista Suhrawardy Ikramullah
Mr. Nazir Ahmad Khan
Sheikh Karamat Ali
Dr. Omar Hayat Malik
Begum Jahan Ara Shah Nawaz
The Hon'ble Sir Muhd. Zafrulla Khan
The Hon'ble Sardar Abdur Rab Khan Nishtar
Khan Sardar Bahadur Khan
The Hon'ble Pirzada Abdus Sattar Abdur Rahman

The motion was negatived.

Mr. President : The question is :

“That in the paragraph beginning with the words ‘Whereas sovereignty over the entire universe.....’, for the words ‘State of Pakistan through its people’ the words ‘people of Pakistan’ be substituted.”

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Whereas sovereignty over the entire universe.....', the words 'within the limits prescribed by Him' be omitted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'This Constituent Assembly.....' after the word 'independent' the word 'democratic' be inserted."

The motion was negatived.

Mr. President : The question is :

"That after the paragraph beginning with the words 'This Constituent Assembly.....', the following new paragraphs be inserted :—

'Wherein the National Sovereignty belongs to the people of Pakistan ;

Wherein the principle of the State is Government of the people, for the people, and by the people'."

The motion was negatived.

Mr. President : The question is :

"That for the paragraph beginning with the words 'Wherein the State shall exercise.....', the following paragraph be substituted :—

'Wherein the elected representatives of the people—in whom shall be centred and to whom shall belong legislative as well as executive authority—shall exercise their powers through such persons as are by law authorised to do so. The elected representatives shall control acts of Government and may at any time divest it of all authority'."

The motion was negatived.

Mr. President : The question is :

'That in the paragraph beginning with the words 'Wherein the principles of democracy.....', the words 'as enunciated by Islam' be omitted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein the principles of democracy.....', after the words 'as enunciated by Islam' the words 'and as based upon eternal principles', be inserted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein the principles of democracy.....', after the words 'as enunciated by Islam' the words 'and other religions' be inserted."

The motion was negatived.

Mr. President : The question is :

6 P.M.

"That in the paragraph beginning with the words "Wherein the principles of democracy.....', after the words 'as enunciated by Islam' the words 'but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organisation' be inserted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein the Muslims shall be.....', for the words 'Muslims shall' the words 'Muslims and non-Muslims shall equally' be substituted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein the Muslims shall be', for the word, 'Islam as set out in the Holy Quran and the *Sunna*' the words 'their respective religions' be substituted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein the Muslims shall be', after the words 'Holy Quran and the *Sunna*' the following be added :—

'in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs'."

The motion was negatived.

Mr. President : The question is :

"That for the paragraph beginning with the words 'Wherein adequate provision shall be made for the minorities', the following paragraph be substituted :—

'Wherein shall be secured to the minorities the freedom to profess and practise their religions and develop their cultures and adequate provision shall be made for it'."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein shall be guaranteed', after the word 'guaranteed' the words 'and secured to all the people of Pakistan, be inserted'."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein adequate provision shall be made to safeguard', for the words 'and depressed classes' the words 'classes and Scheduled Castes' be substituted."

The motion was negatived.

Mr. President : The question is :

"That in the paragraph beginning with the words 'Wherein adequate provision shall be made to safeguard', between the words 'backward' and 'depressed classes' the words 'and labouring' be inserted."

The motion was negatived.

Mr. President : That finishes all the amendments. I now put the main Resolution. The question is that the following Resolution be adopted :

"In the name of *Allah*, the Beneficent, the Merciful ;

Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust ;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan ;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people ;

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed ;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunna* ;

Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures ;

Whereby the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed ;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality ;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes ;

Wherein the independence of the Judiciary shall be fully secured ;

Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded ;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity."

The motion was adopted.

MOTION *RE* : APPOINTMENT OF THE BASIC PRINCIPLES COMMITTEE

The Honourable Mr. Liaquat Ali Khan (East Bengal : Muslim) : Sir, with your permission, I would like to move my motion in a little amended form. In other words, I wish to move it by adding two more names amongst the Members of the Committee that is proposed to be appointed. Have I your permission to move the motion in that amended form ?

Mr. President : Yes.

The Honourable Mr. Liaquat Ali Khan : Sir, I beg to move :

"That this Assembly resolves that a Committee consisting of the President and the following members, namely—

1. The Honourable Sir Muhammad Zafrulla Khan,
2. The Honourable Mr. Ghulam Mohammed,
3. The Honourable Sardar Abdur Rab Khan Nishtar,
4. The Honourable Khwaja Shahabuddin,
5. The Honourable Pirzada Abdus Sattar,
6. The Honourable Mr. Fazlur Rahman,
7. The Honourable Mr. Jogendra Nath Mandal,
8. Maulana Shabbir Ahmad Osmani,
9. Dr. Omar Hayat Malik,
10. Dr. Ishtiaq Husain Qureshi,
11. Mr. Kamini Kumar Datta,
12. Begum Jahan Ara Shah Nawaz,
13. Malik Mohammad Firoz Khan Noon,
14. Mr. Sris Chandra Chattopadhyaya,
15. Mian Mumtaz Mohammad Khan Daultana,
16. Maulana Mohammad Akram Khan,
17. Mian Mohammad Iftikharuddin,
18. Khan Sardar Bahadur Khan,
19. Dr. Mahmud Husain,
20. Begum Shaista Suhrawardy Ikramullah,
21. Mr. Prem Hari Barma,
22. Chaudhury Nazir Ahmad Khan,
23. Sheikh Karamat Ali, and
24. The Mover,

be appointed, with powers to co-opt not more than ten Members, who need not be Members of the Constituent Assembly, to report, as early as possible, in accordance with the motion adopted by this Assembly on Aims and Objects, on the main principles on which the Constitution of Pakistan is to be framed.

The presence of at least seven Members shall be necessary to constitute a meeting of this Committee."

Sir, I do not think it is necessary for me to make any speech on this motion as the purpose is quite clear.

Mr. President : The question is :

“That this Assembly resolves that a Committee consisting of the President and the following members, namely—

1. The Honourable Sir Muhammad Zafrulla Khan,
2. The Honourable Mr. Ghulam Mohammed,
3. The Honourable Sardar Abdur Rab Khan Nishtar,
4. The Honourable Khwaja Shahabuddin,
5. The Honourable Pirzada Abdus Sattar,
6. The Honourable Mr. Fazlur Rahman,
7. The Honourable Mr. Jogendra Nath Mandal,
8. Maulana Shabbir Ahmad Osmani,
9. Dr. Omar Hayat Malik,
10. Dr. Ishtiaq Husain Qureshi,
11. Mr. Kamini Kumar Datta,
12. Begum Jahan Ara Shah Nawaz,
13. Malik Mohammad Firoz Khan Noon,
14. Mr. Sris Chandra Chattopadhyaya,
15. Mian Mumtaz Mohammad Khan Daultana,
16. Maulana Mohammad Akram Khan,
17. Mian Mohammad Iftikharuddin,
18. Khan Sardar Bahadur Khan,
19. Dr. Mahmud Husain,
20. Begum Shaista Suhrawardy Ikramullah,
21. Mr. Prem Hari Barma,
22. Chaudhury Nazir Ahmad Khan,
23. Saeikh Karamat Ali, and
24. The Mover,

be appointed, with powers to co-opt not more than ten Members, who need not be Member, of the Constituent Assembly, to report, as early as possible, in accordance with the motion adopted by this Assembly on Aims and Objects, on the main principles on which the Constitution of Pakistan is to be framed.

The presence of at least seven Members shall be necessary to constitute a meeting of this Committee.”

The motion was adopted.

Mr. President : The next item. I understand that will not be moved ?

The Honourable Mr. Liaquat Ali Khan : It will not be moved during this session.

Mr. President : The House stands adjourned *sine die*.

The Constituent Assembly then adjourned *sine die*.